

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.8854 OF 2026

DATE : 23.06.2026

Between:

Yasaram Sai Kumar and others

...Petitioners

AND

The State of Telangana

...Respondent

ORDER:

This Criminal Petition is filed under Section 482 of the *Bharatiya Nagarik Suraksha Sanhita*, 2023 (for short, “BNSS”), seeking the relief of anticipatory bail.

2. The petitioners are arrayed as accused Nos.1 to 3 in FIR No.430 of 2026 on the file of Medipally Police Station, Malkajgiri District, registered for the offences punishable under Sections 115(2), 118(1) read with 3(5) of *Bharatiya Nyaya Sanhitha*, 2023.

3. Heard Mr.V.Raghunadh, learned senior counsel appearing for the petitioners and Mr.Syed Yasar Mahmood, the learned Additional Public Prosecutor representing the respondent-State.

4. The prosecution case, in brief, is that on 15.03.2026, the petitioners/accused, acting in furtherance of their common intention, allegedly assaulted the de facto complainant and caused bodily injuries. It is specifically alleged that petitioner/accused No.1 used a hand kada (iron *kadiyam*) during the course of the assault, resulting in fracture injuries to

one of the teeth of the de facto complainant. Based on the complaint lodged and the report submitted by the police, the present crime came to be registered.

5.1. Learned senior counsel appearing for the petitioners submits that, at the time of registration of the crime, the Investigating Agency invoked Section 118(1) of the BNS, treating the injuries sustained by the de facto complainant as simple in nature. However, upon receipt of a subsequent medical opinion certifying fracture injuries, the penal provision was altered to Section 118(2) of the BNS.

5.2. He further contend that the allegations contained in the complaint, even if accepted in their entirety, do not satisfy the essential ingredients of Section 118(2) of the BNS. It is argued that the provision contemplates voluntarily causing grievous hurt by means of an instrument used as a weapon of offence which, by its nature, is likely to cause death, or by other specified means enumerated therein. According to the learned counsel, an iron *kadiyam* ordinarily worn on the wrist cannot, in the facts and circumstances of the present case, be construed as an instrument which is inherently dangerous or likely to cause death.

5.3. It is further contended that, even according to the prosecution version, the alleged use of the *kadiyam* is attributed to another accused and not to all the petitioners. Learned counsel submits that the distinction between voluntarily causing grievous hurt simpliciter under Section 117 of the BNS and grievous hurt caused by dangerous weapons or means under Section 118(2) of the BNS has not been properly appreciated by the Investigating Agency. Consequently, it is argued that the alteration of the

penal provision is legally unsustainable and that, at the highest, the allegations may attract Section 117 of the BNS.

5.4. Learned counsel further submits that immediately after registration of the crime, notices under Section 35(3) of the BNSS, were issued to the petitioners requiring their appearance before the Investigating Officer, and that the petitioners have duly complied with such notices and extended full cooperation during the course of investigation. It is only after alteration of the penal provision that the petitioners apprehend arrest at the hands of the police. The petitioners undertake to continue cooperating with the investigation and further undertake to abide by any conditions that may be imposed by this Court. On these premises, learned counsel seeks grant of anticipatory bail.

6.1. Per contra, learned Additional Public Prosecutor opposes the application and submits that the alteration of the penal provision was necessitated upon receipt of medical certification disclosing fracture injuries sustained by the de facto complainant. It is submitted that fracture of a tooth constitutes "grievous hurt" within the meaning of Section 116 of the BNS and, therefore, the Investigating Agency was justified in altering the provision of law accordingly.

6.2. Learned Additional Public Prosecutor, however, fairly submits that there are no specific instructions indicating the necessity for custodial interrogation of the petitioners. It is also stated that, despite alteration of the penal provision, no coercive steps have thus far been initiated against the petitioners. Nevertheless, it is contended that the investigation is still in progress and, therefore, the petition deserves to be dismissed.

7. I have carefully considered the submissions advanced by the learned counsel and have perused the material on record.

8. It is not in dispute that, during the initial stage of investigation, the petitioners were served with notices under Section 35(3) of the BNSS in connection with the very same crime and had responded thereto by cooperating with the Investigating Agency. The subsequent alteration of the penal provision appears to have been occasioned solely on the basis of the medical opinion indicating that the injury sustained by the de facto complainant answers the description of grievous hurt as defined under Section 116 of the BNS.

9. At this stage, this Court is not called upon to adjudicate the correctness of the altered penal provision or to determine whether the iron *kadiyam* employed in the alleged occurrence would ultimately qualify as a dangerous weapon or means within the ambit of Section 118(2) of the BNS. Such issues are matters for investigation and, if necessary, for appreciation during trial.

10. Significantly, apart from the medical opinion certifying fracture injuries, there appears to be no substantial change in the factual matrix or in the nature and gravity of the accusations originally levelled against the petitioners. The prosecution has not placed any material before this Court demonstrating that custodial interrogation of the petitioners is indispensable for an effective investigation. Equally, there is no material suggesting any likelihood of the petitioners absconding, influencing witnesses, or otherwise obstructing the course of justice.

11. Having regard to the aforesaid circumstances, particularly the fact that the petitioners had earlier been served with notices under Section 35(3) of the BNSS in respect of the self-same allegations and had cooperated with the investigation, coupled with the absence of any material demonstrating the necessity for custodial interrogation, this Court is of the considered opinion that the apprehension of arrest entertained by the petitioners deserves to be addressed by extending the protection of anticipatory bail, subject to appropriate conditions safeguarding the interests of a fair and uninfluenced investigation.

10. Accordingly, the Criminal Petition is allowed. The petitioners are enlarged on anticipatory bail, subject to the following conditions:

(A) The petitioners/Accused Nos.1 to 3 shall surrender before the Station House Officer, Medipally Police Station, Malkajgiri, on or before 08.07.2026. Upon such surrender or in the event of arrest the Station House Officer shall release them on bail on execution of a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties for a like sum each, to the satisfaction of the said officer.

(B) The petitioners shall appear before the Investigating officer on every Monday and Saturday between 10.00 am and 03.00 pm for a period of twelve (12) weeks from the date of their release on bail and shall cooperate with the investigation in all respects.

(C) The petitioners shall furnish their complete residential addresses and contact details to the Investigating Officer and shall keep the same updated throughout the course of investigation.

(D) The petitioners shall not either directly or indirectly induce, threaten, influence, or contact any prosecution witness, nor shall he tamper with the prosecution evidence in any manner whatsoever.

Miscellaneous applications, if any pending, shall stand closed.

N.TUKARAMJI, J

Date: 23.06.2026

mmr

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.8854 OF 2026

DATE : 23.06.2026

mmr