

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.9402 OF 2026

DATE : 01.07.2026

Between:

Guttameedi Srihari

...Petitioner

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 petitioner is arrayed as the accused No.4 in FIR No.288 of 2026 on the file of Armour Police Station, Nizamabad District, registered for the offences punishable under Sections 331 (3) and 305 of *Bharatiya Nyaya Sanhitha*, 2023 (for short, “BNS”).

3. Heard Mr.Vinod Kumar Deshpande, learned Senior counsel representing Mr.B.Ramdas, learned counsel for the petitioner and

Mr.Syed Yasar Mahmood, learned Additional Public Prosecutor representing the respondent-State.

4.1. The prosecution case, in brief, is that the de facto complainant lodged a report on 24.05.2026 alleging that he and his family members had gone to Vemulawada and, upon their return, were informed by the owner of the house opposite to theirs that the main door of their residence was found open. Upon verification, they noticed that the lock of the main door had been broken open and that certain gold ornaments and cash amounting to Rs.29,16,500/- were missing from the house. Based on the said report, the police registered the present crime and commenced investigation.

4.2. During the course of investigation, the alleged involvement of the present petitioner surfaced on the basis of the confessional statement said to have been made by accused No.3. According to the prosecution, accused No.3 stated that the petitioner (accused No.4) had introduced accused Nos.2 and 3 to accused No.1 for the purpose of committing the offence and, after the commission of the theft, received a sum of Rs.8,00,000/- out of the stolen cash for his personal use.

5.1. Learned Senior Counsel appearing for the petitioner contended that the allegations levelled against the petitioner are wholly baseless and unsupported by any legally admissible material. It is submitted that even according to the remand report, the petitioner was not present in Hyderabad on the date of the alleged occurrence. The entire prosecution case against the petitioner rests solely upon the alleged confessional statement of co-accused No.3, which neither attributes any specific overt act to the petitioner nor discloses his presence at the scene of occurrence. He further submitted that the petitioner has been falsely implicated owing to political and personal rivalry existing between the de facto complainant and accused No.1. It is further contended that the petitioner is suffering from serious health ailments and is presently undergoing treatment at the Government General Hospital, Vijayawada.

5.2. Learned Senior Counsel also pointed out that accused Nos.1 to 3 have already been arrested during the course of investigation and subsequently enlarged on regular bail by the competent Court. It is submitted that the petitioner has expressed his willingness to cooperate with the investigating agency, to appear before the

Investigating Officer as and when required, and to abide by any conditions that may be imposed by this Court. In view of his medical condition and in the absence of any compelling circumstances for custodial interrogation, it is prayed that the petitioner be granted the discretionary relief of anticipatory bail.

6. Per contra, the learned Additional Public Prosecutor opposed the application and submitted that the role of the petitioner came to light during investigation on the basis of the confessional statement of accused No.3 and that the investigation is still in progress. It is contended that the precise role played by the petitioner requires thorough investigation and that the petitioner has not been available for interrogation thus far. However, on the basis of written instructions received from the Station House Officer, Armoor Police Station, the learned Additional Public Prosecutor fairly submitted that the petitioner is presently admitted to a hospital at Vijayawada and is undergoing medical treatment.

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

8. The principal allegation against the petitioner is that he had conspired with the other accused and facilitated the commission of the house-breaking and theft allegedly committed on 24.05.2026 at the residence of the de facto complainant. The prosecution seeks to implicate the petitioner primarily on the basis of the alleged confessional statement of a co-accused recorded during investigation. A careful perusal of the material placed before this Court further discloses that even the alleged confessional statement does not attribute any specific overt act to the petitioner nor does it indicate his presence at the scene of offence at the relevant point of time. Apart from the said statement, no independent material has been brought to the notice of this Court, at this stage, to prima facie demonstrate the active participation of the petitioner in the commission of the alleged offence.

9. The power to grant anticipatory bail is intended to safeguard the personal liberty, while simultaneously ensuring a fair and effective investigation. The Constitution Bench of the Hon'ble Supreme Court in *Gurbaksh Singh Sibbia v. State of Punjab*, (1980) 2 SCC 565, held that the power to grant anticipatory bail is an extraordinary and discretionary remedy intended to protect individuals against arbitrary arrest, and that such discretion must

be exercised judiciously having regard to the facts and circumstances of each case. The said principles have been reiterated by the Supreme Court in *Sushila Aggarwal v. State (NCT of Delhi)*, (2020) 5 SCC 1, wherein it was held that anticipatory bail should not be denied merely because the investigation is pending and that custodial interrogation is not to be insisted upon unless the facts of the case genuinely warrant such a course.

10. Having regard to the nature of the accusations, the role presently attributed to the petitioner, the absence of any specific overt act disclosed from the material placed before this Court, the fact that the case against him presently rests substantially upon the alleged statement of a co-accused, the reported medical condition of the petitioner, his expressed willingness to cooperate with the investigation, and there being no material indicating any compelling necessity for custodial interrogation at this stage, this Court is of the considered opinion that the prayer to extend the relief of anticipatory bail to the petitioner can be positively considered, subject to appropriate conditions to ensure his effective cooperation with the investigation.

11. Accordingly, the Criminal Petition is allowed, and the petitioner shall be enlarged on anticipatory bail, subject to following conditions.

(A) The petitioner/Accused No.4 shall surrender before the Station House Officer, Armoor Police Station, Nizamabad District on or before 25.07.2026. Upon such surrender or in the event of arrest the Station House Officer shall release him on bail on execution of a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties for a like sum each, to the satisfaction of the said officer.

(B) The petitioner shall appear before the Investigating officer as and when required for the purpose of the investigation and shall cooperate with the investigation in all respects.

(C) The petitioner shall furnish his complete residential address and contact details to the Investigating Officer and shall keep the same updated throughout the course of investigation.

(D) The petitioner 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.

(E) The petitioner shall strictly comply with all the conditions contemplated under Section 482(2) of the BNSS.

(F) Any wilful breach or violation of any of the aforesaid conditions shall render the petitioner liable to appropriate proceedings before the court below, including cancellation of bail, in accordance with the provisions of the BNSS and other applicable law.

12. It is made clear that any observations made herein are confined solely to the adjudication of the present application for anticipatory bail and shall not be construed as an expression on the merits of the case. Miscellaneous applications, if any pending, shall stand closed.

Date: 01.07.2026
mmr

N.TUKARAMJI, J

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