IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No. 13350 OF 2026

(CNR No. HBHC010556902026)

DATE: 12.11.2026

Between :

XXXX (Victim)

… Petitioner/De facto complainant

AND

The State of Telangana, High Court for the State of Telangana at Hyderabad, Through Public Prosecutor, and another.

… Respondents.

ORDER

This Criminal Petition is filed under Section 483(3) of the *Bharatiya Nagarik Suraksha Sanhita, 2023* (for short, "BNSS"), seeking cancellation of the protection/bail granted to respondent No.2/Accused No.1 in Crime No. 293 of 2026 of Bodhan Town, Nizamabad District, vide orders dated 23.07.2026 in Crl.P.No. 10994 of 2026.

2. Heard Mr. T. Srujan Kumar Reddy, learned counsel for the petitioner/de facto complainant; Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor, representing respondent No.1-State and Mr. K. Venumadhav, learned counsel for respondent No.2/Accused No.1.

3. The brief facts of the case are that the petitioner, being the de facto complainant, lodged a report, pursuant to which F.I.R. No. 293 of 2026 came to be registered at Bodhan Town Police Station, Nizamabad District, against respondent No.2/Accused No.1 and other accused persons. It is alleged that respondent No.2 induced the petitioner to enter into an intimate relationship with him by repeatedly promising to marry her, as a result of which she became pregnant. It is further alleged that, with the assistance of Accused No.2, her pregnancy was terminated and her right fallopian tube was removed without her valid consent. The petitioner further alleges that respondent No.2 induced her to obtain a divorce from her second husband by promising to marry her, but subsequently refused to honour his promise. Respondent No.2 was granted anticipatory bail by this Court vide order dated 23.07.2026 in Crl.P. No.10994 of 2026. Aggrieved by the grant of anticipatory bail, the petitioner has approached this Court seeking cancellation of the anticipatory bail granted to respondent No.2, contending that respondent No.2 and his associates have allegedly attempted to assault her and her family members, thereby posing a serious threat to their lives and safety.

4.1. Learned counsel for the petitioner submits that, subsequent to the grant of anticipatory bail to respondent No.2/Accused No.1, the accused persons allegedly conspired to eliminate the petitioner by engaging one

Ismail @ Mukka to commit her murder, who was repeatedly seen moving around her residence. In this regard, the petitioner's mother lodged a complaint dated 20.07.2026, and the petitioner herself submitted further complaints dated 02.08.2026 and 07.08.2026, pursuant to a notice issued by the Police, bringing the alleged threats to her life to their notice and referring to certain call recordings in support of her allegations. It is contended that, despite receipt of the said complaints, the Police failed to take appropriate action to protect the petitioner and her family. However, Crime No.387 of 2026 was subsequently registered and, after due investigation, a charge sheet was also filed against the accused therein. Thus, according to the petitioner, respondent No.2 has grossly misused the liberty granted to him by this Court. It is specifically contended that the respondents are attempting to intimidate the petitioner, influence witnesses, tamper with the evidence and obstruct the investigation, thereby seriously prejudicing the fairness of the proceedings. The petitioner further contends that the gravity of the allegations in the subject crime, particularly the alleged termination of her pregnancy and removal of her right fallopian tube without her valid consent, was not given due consideration while granting anticipatory bail to respondent No.2.

4.2. According to the petitioner, the subsequent threats and the alleged conspiracy to murder her constitute a material change in circumstances warranting cancellation of the anticipatory bail granted to respondent No.2.

She further submits that the custodial interrogation of respondent No.2 is necessary to unravel the alleged conspiracy, identify the other persons involved and collect relevant evidence. Therefore, contending that the continued grant of anticipatory bail would endanger her life and safety and prejudice the investigation, learned counsel for the petitioner seeks cancellation of the anticipatory bail granted to respondent No.2/Accused No.1 and prays that he be taken into custody in accordance with law.

5.1. Learned Additional Public Prosecutor submits that the accused persons have allegedly misused the liberty granted to them by threatening the de facto complainant and pressurising her to withdraw the case in Crime No.293 of 2026. It is submitted that, pursuant to a fresh complaint lodged by the de facto complainant, Crime No.387 of 2026 was registered against Ismail @ Mukka, Shaik Dastagir/respondent No.2 and Shaik Ilias, alleging that they had instigated Ismail to threaten the complainant with a view to intimidating her and preventing her from pursuing the criminal proceedings. Learned Additional Public Prosecutor further submits that the registration of fresh criminal cases subsequent to the grant of anticipatory bail constitutes a significant subsequent development indicating the alleged misuse of the concession of bail by the accused. It is also submitted that the Investigating Officer made efforts to apprehend the accused in connection with the subsequent crimes. However, the accused persons were not found at their respective residences or at the other places searched by the Police.

5.2. According to the prosecution, the unavailability of the accused persons, coupled with the subsequent allegations of criminal intimidation, raises serious concerns regarding their cooperation with the investigation and the possibility of further interference with the investigation and intimidation of the complainant and other prosecution witnesses. Therefore, contending that the continued liberty of respondent No.2 may endanger the complainant and prejudice a fair and effective investigation, learned Additional Public Prosecutor supports the petitioner's prayer for cancellation of the anticipatory bail granted to respondent No.2/Accused No.1.

6.1. Learned counsel for respondent No.2/Accused No.1 submits that the present petition seeking cancellation of anticipatory bail has been filed by the petitioner on false, baseless and fabricated allegations, with an ulterior motive to harass respondent No.2. It is contended that this Court, after hearing the parties and considering the material placed on record, was pleased to grant anticipatory bail to respondent No.2, subject to certain conditions. Learned counsel further submits that, pursuant to the said order, respondent No.2 appeared before the Station House Officer, Bodhan Town Police Station, on 28.07.2026, furnished the requisite sureties and has been regularly appearing before the Investigating Officer as directed by this Court. It is specifically contended that respondent No.2 has been scrupulously complying with the conditions imposed while granting anticipatory bail, has

extended full cooperation to the investigation and has remained available for examination or interaction as and when required.

6.2. Learned counsel for respondent No.2 categorically denies the allegations that respondent No.2 engaged Ismail @ Mukka or conspired with any person to threaten or eliminate the petitioner. It is submitted that respondent No.2 does not even know the said individual. It is further contended that the allegations levelled against respondent No.2 are false, unsupported by any cogent material and do not establish any violation of the conditions imposed by this Court while granting anticipatory bail. Learned counsel also submits that the documents relied upon by the petitioner had already been placed before this Court during the proceedings in the anticipatory bail petition and were duly considered while passing the order. He further submits that respondent No.2 is a law-abiding citizen, has neither absconded nor evaded the investigation and has been regularly cooperating with the Investigating Officer. Therefore, in the absence of any cogent material demonstrating misuse of the liberty granted to him or violation of the conditions of bail, it is contended that no valid grounds are made out for cancellation of the anticipatory bail. Accordingly, learned counsel prays for dismissal of the petition.

7. I have carefully considered the rival contentions and perused the material on record.

8. Section 483 of the BNSS, empowers the High Court or the Court of Session to direct that a person who has been released on bail under the relevant provision be arrested and committed to custody. Such power is required to be exercised judiciously, particularly where the subsequent conduct of the accused demonstrates misuse of the liberty granted to him.

9. In *Dolat Ram v. State of Haryana*, (1995) 1 SCC 349, the Hon'ble Supreme Court held that cogent and overwhelming circumstances are necessary for cancellation of bail already granted. The grounds for cancellation of bail include interference, or an attempt to interfere, with the due course of administration of justice; evasion, or an attempt to evade, the process of justice; and abuse of the concession of bail granted to the accused. Similarly, in *State (Delhi Administration) v. Sanjay Gandhi*, (1978) 2 SCC 411, the Hon'ble Supreme Court recognised that tampering with evidence constitutes a relevant ground for cancellation of bail. Further, in *Mahipal v. Rajesh Kumar Polia*, (2020) 2 SCC 118, the Hon'ble Supreme Court explained that cancellation of bail may be warranted on account of the subsequent conduct of the accused, particularly where the circumstances demonstrate misuse of the liberty granted. Thus, where an accused, after being released on bail, attempts to intimidate the complainant or interfere with the investigation, the Court would be justified in exercising its jurisdiction to cancel bail and commit the accused to custody.

10. In the present case, the petitioner has alleged that, subsequent to obtaining anticipatory bail, respondent No.2 resorted to threatening her through his associates and conspired to eliminate her by engaging one Ismail @ Mukka to commit her murder. These allegations are not confined to a mere apprehension expressed by the petitioner. In this regard, the petitioner's mother lodged a complaint dated 20.07.2026, followed by further complaints submitted by the petitioner on 02.08.2026 and 07.08.2026. The prosecution has also brought to the notice of this Court the subsequent registration of Crime No.387 of 2026 for the offences punishable under Section 351(2) read with Section 3(5) of the BNS, against Ismail @ Mukka, Shaik Dastagir/respondent No.2 and Shaik Ilyas.

11. More significantly, the prosecution has referred to an alleged incident dated 22.09.2026, during which the complainant was repeatedly followed and threatened while she was taking her child to school. The nature and consequences of the alleged incidents, when considered cumulatively, indicate that the complainant has repeatedly approached the authorities expressing apprehension regarding her life and personal safety. The registration of a subsequent criminal case in connection with the alleged acts of intimidation lends further significance to the complaints made by her. Therefore, the complaints cannot be brushed aside as mere expressions of apprehension, but warrant due consideration in the context of the alleged misuse of the liberty granted to respondent No.2.

12. This Court is conscious of the contention advanced on behalf of respondent No.2 that he has complied with the conditions imposed under the order granting anticipatory bail, appeared before the Station House Officer, furnished the requisite sureties and cooperated with the investigation. However, mere compliance with the procedural conditions imposed while granting anticipatory bail would not, by itself, entitle an accused to continue enjoying such protection if his subsequent conduct demonstrates abuse of the liberty granted to him. The question for consideration is not merely whether respondent No.2 has appeared before the Investigating Officer, but whether he has utilised the liberty granted to him in a manner prejudicial to the administration of justice.

13. The subsequent denial by respondent No.2 of his acquaintance with Ismail @ Mukka and of his alleged involvement in the conspiracy cannot, at this stage, be treated as sufficient to dispel the allegations raised by the petitioner and the prosecution. The alleged involvement of respondent No.2/Accused No.1 in the subsequent crime, coupled with the incidents of intimidation referred to by the prosecution, raises serious concerns regarding the safety and security of the complainant, as well as the possibility of interference with the investigation.

14. It is also relevant to note that Section 482(2)(ii) of the BNSS specifically contemplates the imposition of a condition that a person granted

anticipatory bail shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing those facts to the Court or to the Police. The object of imposing such a condition is to ensure that the liberty granted to the accused does not become a means of influencing witnesses or obstructing the course of justice. Any attempt to intimidate the complainant, if prima facie established, would directly undermine this statutory safeguard and defeat the very purpose for which such a condition is imposed.

15. In the present case, the allegations of threats are directed against the very person who set the criminal law into motion and whose participation is material to the investigation and subsequent prosecution. If the complainant is subjected to threats or intimidation on account of the criminal proceedings initiated by her, the same would not only imperil her personal safety but also prejudice the fairness of the investigation and the administration of justice. This Court cannot remain indifferent to such circumstances merely because the accused has furnished sureties and appeared before the Investigating Officer.

16. The contention that the documents relied upon by the complainant were already placed before this Court during the anticipatory bail proceedings does not, by itself, defeat the present petition. The present

proceedings are founded upon the alleged subsequent developments and conduct of respondent No.2 after the grant of anticipatory bail. Therefore, the question before this Court is not whether anticipatory bail was rightly granted by order dated 23.07.2026, but whether the subsequent circumstances warrant cancellation of the protection extended to respondent No.2.

17. This Court is of the considered view that the liberty granted to an accused is accompanied by an obligation not to interfere with the investigation, intimidate the complainant or influence the witnesses. The concession of bail cannot be permitted to operate to the prejudice of the victim or to obstruct the administration of criminal justice.

18. The subsequent complaints, registration of Crime No.387 of 2026 and the alleged incident dated 22.09.2026, when considered cumulatively with the allegation that respondent No.2/Accused No.1 engaged Ismail @ Mukka to eliminate the petitioner, give rise to a serious apprehension of misuse of the liberty granted to respondent No.2. These circumstances, therefore, warrant interference by this Court to protect the petitioner/de facto complainant and to preserve the fairness of the investigation.

19. Accordingly, this Court is of the considered opinion that the petitioner has made out sufficient grounds for cancellation of the anticipatory bail granted to respondent No.2/Accused No.1. The continuation of the

protection granted to him, in the circumstances alleged and considered herein, would be prejudicial to a fair investigation and would undermine the administration of criminal justice. Accordingly, the point for determination is answered in the affirmative.

20. Resultantly, the Criminal Petition is allowed. The anticipatory bail granted to respondent No.2/Accused No.1 vide order dated 23.07.2026 in Crl.P. No.10994 of 2026 is hereby cancelled. Respondent No.2/Accused No.1 shall surrender before the jurisdictional Court within a period of seven (7) days from the date of receipt of a copy of this order. In default of such surrender, the Investigating Officer shall be at liberty to take appropriate steps in accordance with law to secure the presence of respondent No.2/Accused No.1 and take him into custody.

21. It is made clear that the observations made herein are confined to the adjudication of the present Criminal Petition and shall not influence the investigation or trial in Crime Nos. 293 of 2026 or 387 of 2026 or any other pending criminal proceedings against respondent No.2/Accused No.1.

Pending miscellaneous applications, if any, shall stand closed.

N.TUKARAMJI, J

Date: 12.11.2026
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