IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE JUSTICE B.R.MADHUSUDHAN RAO

CRIMINAL PETITION Nos.15135 and 15582 of 2026

(CNR No.HBHC010636902026 (Crl.P.No.15135 of 2026)

(CNR No.HBHC010650772026 (Crl.P.No.15582 of 2026)

DATED: 26th OCTOBER, 2026

Crl.P.Nos.15135 of 2026

Between:

Bhogyam Shekar @ Dish Shekar

... Petitioner-Accused No.4

And

1. The State of Telangana

... Respondent No.1-State

2. Manemma Bogini

... Respondent No.2-Complainant

Crl.P.Nos.15582 of 2026

Between:

Mohammed Pasha @ Yagouse

... Petitioner-Accused No.5

And

1. The State of Telangana

... Respondent No.1-State

2. Manemma Bogini

... Respondent No.2-Complainant

COMMON ORDER

1. These Criminal Petitions are filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023

(BNSS) praying this Court to enlarge the petitioners on bail who are arrayed as accused Nos.4 and 5 in connection with Crime No.54 of 2026 of P.S. Pentlavelly Nagar Kurnool District. The offences alleged against the petitioner Nos.1 and 2-A4 and A5 are punishable under Sections 103(1), 332(a), 61(2), 238, 351(2), 49 r/w 3(5) of the Bharatiya Nyaya Sanhita Act, 2023 (for short 'BNS') and Section 4(1) of the Telangana Advocates Protection Act, 2026 (for short 'TAP Act').

2. Heard Sri Lakshmikanth Reddy Desai, learned counsel for the petitioner No.1-A4, Sri N.Joy, learned counsel for the petitioner No.2-A5, Sri D.Arun Kumar, learned Additional Public Prosecutor for respondent No.1-State and Sri V.Raghunath Rao, learned Senior Counsel representing Ms.Sakshi Jha, learned counsel for respondent No.2-complainant.

3.1. Learned counsel for the A4 submits that A1 to A3 were arrested on 02.08.2026 and the petitioner No.1-A4 is shown as absconding. A perusal of the original FIR-complaint dated 01.08.2026 would demonstrate that no specific overt act whatsoever is attributed against A4. The allegations of criminal tresspass, assault with sticks, throwing of chilly powder and the fatal attack with sharp weapons resulting in

the death of the deceased are attributed exclusively to A1 to A3. In so far as petitioner No.1-A4 is concerned, the complainant's own FIR assumes him only as 'instigator' on account of previous disputes involving him and the persons of his village. Petitioner No.1-A4 was arrested and remanded to judicial custody on 17.08.2026 and the confession cum seizure panchanama stated to have been recorded by the Investigating Officer on the same day after his apprehension. FIR and the remand report discloses that there has been a long-standing civil and criminal disputes between the families of the deceased and A1 over the agricultural land in connection with multiple criminal cases and counter cases. Petitioner No.1-A4 has filed regular bail petition before the District Court *vide* Crl.MP.No.599 of 2026 which came to be dismissed on 10.09.2026, entire investigation is completed and prayed to enlarge the petitioner No.1-A4 on bail.

4.2. Learned counsel for the petitioner No.2-A5 submits that basing on the confession of petitioner No.1-A4, petitioner No.2-A5 was arrested on 24.08.2026. It is recorded that the petitioner No.2-A5 upon interrogation, admitted that A4 who is his friend, came to his house on 31.07.2026 at about 20.00 hours i.e., after the assault of the deceased which had

occurred at about 19.30 to 19.50 hours. Confession of co-accused is a weak piece of evidence and does not fall within the definition of evidence. The penal provisions invoked against the petitioner No.2-A5 are not attracted. The material objects are already recovered under confession cum seizure panchanama on 24.08.2026 in the presence of mediators. The wife of the petitioner No.2-A5 by name Smt. Thahera Begum, aged 49 years developed severe abdominal pain three days back and was examined at Ayra Hospital, Wanaparthy on 08.09.2026. Investigation revealed severe Anaemia. The treating Doctor classified the case as high-risk on account of co-existing conditions. The petitioner undertakes to abide by any condition. Petitioner No.2-A5 is in jail since 24.08.2026, entire investigation is completed. In support of his contention has relied on the decisions in the cases of (1) Dr.Haniraj L. Chulani Vs. Bar Council of Maharashtra and Goa[1] (2) Prabhakar Tewari Vs. State of Uttar Pradesh and Another[2] and prayed to enlarge the petitioner-A5 on bail.

5.1. Learned Additional Public Prosecutor has filed separate written instructions of Sub-Inspector of Police, Pentlavelly

[1] (1996) 3 SCC 342
[2] (2020) 11 SCC 648

P.S., Nagar Kurnool District of petitioner Nos.1 and 2-A4 and A5.

5.2. In the written instructions of petitioner No.1-A4, it is stated that A4 is involved in seven other cases. Petitioner No.1-A4 allegedly instigated and abetted A1 to A3 to murder the deceased due to long-standing land dispute and instructed them to eliminate him, thereby participating in the criminal conspiracy. During 01.07.2026 to 01.08.2026, petitioner No.1-A4 has made 11 calls to A1, 5 calls to A2, 94 calls to A3, in total he has made 110 calls to A1 to A3. The deceased has sustained cut and blunt injuries to vital organs and succumbed to injuries on the spot in a pool of blood, later A1 has extracted petrol from his motorcycle and A3 retrieved a set of clothes from her bathroom and changed her attire. Petitioner No.1-A4 explicitly instigated and abated A1 to A3 to commit the premeditated murder of the deceased with conspiracy.

5.3. In the written instructions filed for petitioner No.2-A5, it is stated that petitioner No.2-A5 is involved in three other crimes. Petitioner No.2-A5 has helped petitioner No.1-A4 in harbouring after the commission of offence. Investigation is

under collection of evidence, FSL report is awaited and CDRs of 17.03.2026 of the accused have to be obtained and prayed to dismiss the petitions.

6.1. Respondent No.2-complainant has filed separate counters in both the petitions.

6.2. In the counter filed for the bail petition of petitioner No.1-A4, respondent No.2 stated that petitioner No.1-A4 had made an attempt to murder the deceased with an axe. However, the deceased somehow escaped with severe injuries, even the complainant who is the wife of the deceased has categorically stated that they had a threat to their lives from A1 and his family members including petitioner No.1-A4. Her husband is a renowned Advocate and the petitioner No.1-A4 bore grudge against her husband for no fault of his and actively conspired with each other, committed the heinous crime by brutally murdering her husband.

6.3. In the counter filed in the bail petition of petitioner No.2-A5, it is stated that petitioner No.2-A5 along with co-accused were earlier involved in criminal acts and also part of conducted surveillance on the deceased's movements for the past one year, particularly near her residence.

Complainant has lodged a private complaint and the same is registered as Crime No.16 of 2026 wherein petitioner No.2-A5 is arrayed as A5 in the same case and he is also involved in Crime No.47 of 2023 (CC No.367 of 2024). The police has filed charge sheet as the case is made out against the petitioner No.2-A5 in the above said crime. Petitioner No.1-A4 has confessed about the assistance given by the petitioner No.2-A5 and the same is corroborated with his confession, his confession further led to the police to seize the vehicle corroborating his direct involvement in the logistic of the conspiracy. Medical emergency of A5's wife cannot be a ground to be considered for bail and prayed to dismiss the same.

7. Learned Senior Counsel for respondent No.2 submits that specific overt acts are attributed against the petitioner Nos.1 and 2-A4 and A5 about the manner in which the heinous crime has taken place.

8. Respondent No.2-complainant has lodged a report before P.S. Pentlavelly on 01.08.2026. It is stated in the complaint that her husband B.Mallaiah @ Dr.Mallaiah was working as an R.M.P. Doctor and running a clinic in one of the

shutters belonging to Vishwa Brahmana Society at Pentlavelly Village beside steamy Cafe. On 31.07.2026, she and her husband went to the Court and returned home, later in the evening at about 4.30 P.M. her husband Mallaiah went to the Clinic. At about 8.00 P.M. in the evening, a villager by name V.Yellaiah came to her house and informed that Bingi Krishnaiah-A1, Bingi Yellamma-A2, Bingi Nagamma-A3, altogether had criminally trespassed into the clinic and dragged Mallaiah on the road with an intention to kill him as part of premeditated plan, bet him with large stick, threw chilly powder into his eyes and used sharp weapons and slashed him on his forehead. Respondent No.2-complainant rushed to the spot and noticed her husband lying on the ground in a pool of blood with severe injuries on his head and neck region and died on the spot. Dish Shekar and few others were the main instigators because in the past he (A4) and some of their villagers were involved. Basing on the said complaint, FIR came to be registered under Sections 103(1), 332(a), 49 r/w 3(5) of the BNS against A1 to A4.

9. A1 to A3 were arrested and remanded to judicial custody on 02.08.2026. A4 – B.Shekhar @ Dish Shekar is

shown as absconding. Remand case diary of A1 to A3 goes to show that respondent No.1-State has examined 13 witnesses.

10. Petitioner No.1-A4 was arrested on 17.08.2026 and was remanded to judicial custody wherein Section 4(1) of the Telangana Advocates Protection Act, 2026 is added in the remand report of petitioner No.1-A4. On interrogating petitioner No.1-A4, he admitted the guilt and confessed his involvement in the crime stating that he supported A1 – Bingi Krishnaiah in his land dispute against the deceased Mallaiah, confession cum seizure panchanama is recorded by LW.10 – A.Kurmaiah in the presence of witnesses. The remand report of petitioner No.1-A4 further states that petitioner No.1-A4 has confessed that on 30.07.2026 and 31.07.2026, he instructed A1 to A3 to attack and kill Mallaiah at his Clinic following which A1 to A3 executed the murder. Petitioner No.1-A4 absconded with his family members to his friend's house Yaghouse @ Pasha's car and Yaghouse @ Pasha continually provided him with information regarding police movements to help him evade arrest, during which time petitioner No.1-A4 also discarded two SIM cards to prevent detention until his eventual apprehension. Remand report of

petitioner No.1-A4 goes to show that respondent No.1-State has examined 16 witnesses.

11. Petitioner No.2-A5 was arrested and remanded to judicial custody on 24.08.2026, since then he is in judicial custody. Petitioner No.2-A5 was arrested at his residence in Pentlavelly Village. LW.18 - B.Srinivas has interrogated petitioner No.2-A5, upon interrogation, he admitted that he helped petitioner No.1-A4-B.Shekar @ D.Shekar to escape and screening him from police after the commission of the murder of deceased – B.Mallaiah @ Dr.Mallaiah. Confession cum seizure panchanama is prepared in respect of A5 in the presence of mediators in which his car is seized. Confession statement of petitioner No.2-A5 further states that he continuously monitored local police movements in Pentlavelly and tipped off A4 over phone warning him to be cautious and helping him to evade arrest. Later, petitioner No.2-A5 sent his brother-in-law Mohammed to prepare to retrieve the vehicle back to Pentlavelly. Remand report of petitioner No.2-A5 goes to show that the respondent No.1-State has altogether examined 18 witnesses.

12. Petitioner No.1-A4 has filed anticipatory bail petition before this Court *vide* Crl.P.No.12868 of 2026 in respect of FIR No.54 of 2026, as he was arrested and remanded to judicial custody on 07.08.2026, his anticipatory bail petition became infructuous. A4 has filed Crl.MP.No.599 of 2026 before the learned Sessions Judge for grant of regular bail, which came to be dismissed *vide* order dated 10.09.2026 with an observation that the allegations that are levelled against A1 to A5 are very grave and it is not a fit case to enlarge the petitioner No.1-A4 on bail.

13. Petitioner No.2-A5 has also filed Crl.MP.No.579 of 2026 and Crl.MP.No.609 of 2026 before the learned Sessions Court for grant of regular bail, both the applications came to be dismissed *vide* orders dated 02.09.2026 and 15.09.2026 holding that the allegations levelled against the petitioner No.2-A5 are very grave and it is not a fit case to enlarge the petitioner No.2-A5 on bail.

14. On careful reading of the complaint, Respondent No.2-complainant stated that Dish Shekar-A4 and few others are the main instigators because in the past, he and some of their villagers were involved. As per the complaint, V.Yellaiah is the

eye witness, his name does not surface in the remand case diary in the list of witnesses.

15. Counsel for petitioner No.1-A4 has filed a chart showing the cases filed against A4. In Crime No.10 of 2018 A4 was not found guilty; in Crime No.31 of 2021 charge sheet is filed and is numbered as CC.No.230 of 2021, settled before Lok Adalath; in Crime No.32 of 2022 case is closed on 30.08.2023 as dispute is civil in nature; in Crime No.27 of 2023 charge sheet is filed and it is numbered as CC.No.262 of 2023 for the offences under Sections 447, 427, 504, 324 r/w 34 of IPC; in Crime No.47 of 2023 charge sheet is filed and numbered as CC.No.367 of 2024 for the offences under Sections 447, 427, 452, 455, 504 r/w Section 34 of IPC; in Crime No.104 of 2023 charge sheet is filed and it is numbered as CC.No.201 of 2024 for the offences under Sections 447, 427, 415, 425, 417, 418, 441, 503, 506 r/w 34 of IPC and Crime No.16 of 2026, investigation is pending and the offences are 351(2)(3) of BNS and 175 of BNSS. Three cases are disposed of and the petitioner No.1-A4 is facing trial in three more cases, and one case is pending investigation.

16. Counsel for petitioner No.2-A5 has filed the chart showing the cases pending against A5. Petitioner No.2-A5 is involved in Crime No.10 of 2018 of Pentlavelly P.S., which is numbered as Spl.SC.No.155 of 2018 under different Sections of IPC and SCs/STs Act, which came to be acquitted *vide* judgment dated 02.11.2023. In Crime No.47 of 2023 of Pentlavelly P.S. and Crime No.16 of 2026 of Pentlavelly P.S., he was enlarged on station bail.

17. Learned Senior counsel for respondent No.2 has filed Crime Petition Acknowledgement, dated 08.06.2026. The purport of the petition is to do justice for land dispute. For brevity, the Telugu written complaint states as under:

> నేను అనగా మన్నెమ్మ W/O మల్లయ్య, వయస్సు :55 సంలు::, కులంబోయ :, వృత్తి :వ్యవసాయం అయిన నేను పెంట్లవెల్లి గ్రామము మరియు మండలము, నాగర్ కర్నూల్ జిల్లా అయిన నాకు పెంట్లవెల్లి గ్రామ శివారులో సర్వే నెం.657 వి ::4.03 గుంటల భూమి కలదు భూమిని అట్టి .2007లో కొంత భూమిని బింగి నాగన్న మరియు 2018 -2019 లో వడ్డే కురుమయ్య, వడ్డే బాలస్వామి దగ్గర కొన్నాను అట్టి . అట్టి .చేసుకుంటున్నాను వ్యవసాయం నేను భూమిని నాకు భూమిపై2016 లో కొల్లాపూర్ కోర్టు వారు భూమి నాదే అని డిక్రీ ఇచ్చినారు .కానీ ఇప్పుడు బింగి కృష్ణయ్య S/o నాగన్న, నాగమ్మ W/o జనార్ధన్, ఎల్లమ్మ W/o కృష్ణయ్య వారితో పాటు డిష్ శేఖర్ S/o రామకృష్ణ, డాక్టర్ కురుమయ్య S/o బిచ్చన్న, యాగాస్ భాష, చిన్న ఎల్లయ్య S/o బాలయ్య, బీరయ్య S/o పెద్ద నాగయ్య జటప్రోల్ వారందరూ కలిసి నన్ను నా పొలములో వ్యవసాయం

చేసుకోకుండా నన్ను, నా భర్త మలయ్యను కొట్టి చంపడానికి భూమి గుంజుకోవడానికి ప్రయత్నిస్తున్నారు . కేసు లో సర్టిఫికేట్ పోలీస్ పెంట్లవెల్లి వారిస్తే పెట్టినా పోలీస్ వారు పట్టించుకోవడం లేదు.

The above said complaint is given to the Superintendent of Police, Nagar Kurnool.

18.1. In **Dr. Haniraj L.Chulani**[1], the appellant a permanent resident of Bombay and a medical practitioner, obtained a degree of law, while continuing his medical profession and applied to the Bar Council of Maharashtra and Goa for being enrolled as an Advocate under Advocates Act, 1961. The Enrollment Committee rejected his request for being enrolled as an Advocate simultaneously with his carrying on his medical practice as a Surgeon. A Writ Petition was filed before the High Court which came to be dismissed and the same is challenged before the Supreme Court. The said judgment is not at all applicable to the facts of the case.

18.2. In **Prabhakar Tewari**[2], Supreme Court observed at Para No.7 which reads as under:

> "7. On considering the submissions of the learned counsel for the parties, having regard to the circumstances of this case, in our opinion, there has been no wrong or improper

> exercise of discretion on the part of the High Court in granting bail to the accused. The factors outlined in Mahipal V. Rajesh Kumar, (2020) 2 SCC 118, for testing the legality of an order granting bail are absent in the order impugned. The materials available do not justify arriving at the conclusion that the order impugned suffers from non-application of mind or the reason for granting bail is not borne out from a prima facie view of the evidence on record. The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail. The High Court has exercised its discretion in granting bail to the accused Vikram Singh upon considering relevant materials. No ex facie error in the order has been shown by the appellant which would establish exercise of such discretion to be improper. We accordingly sustain the order of the High Court granting bail. This appeal is dismissed".

19. Specific overt acts are attributed against A1 to A3 in respect of the manner in which the incident has taken place. Complaint states that petitioner No.1-A4 and others are the main instigators. Petitioner No.1-A4 is in judicial custody since 17.08.2026.

20. The name of petitioner No.2-A5 has surfaced in the crime only after the confession statement of petitioner No.1-A4 that he has instigated and facilitated the murder and that petitioner No.2-A5 has provided Suzuki Fronx car to petitioner

No.1-A4 to flee to Alampur and Yemmiganu and that he is continuously monitored local police movements in Pentlavelly and passed such information to petitioner No.1-A4 over the phone and warned him to be cautious and helped him in evading the arrest.

21. It is mentioned in the written instructions of petitioner No.1-A4 that deceased B.Mallaiah was a member of Bar Association, Kollapur Court *vide* Enrollment No.TS/901/2014 dated 07.08.2014. As such, they added Section 3 r/w Section 4 of the Telangana Advocates Protection Act, 2026 to the existing Sections of BNS. In the written instructions of petitioner No.1-A4, it is stated that PME report is received. The same is also stated in the written instructions of petitioner No.2-A5. FSL report is awaited and CDR of 17.03.2026 of accused has to be obtained.

22. Respondent No.1-State has altogether examined 18 witnesses in support of the case. Except receiving FSL report and CDRs of the accused, investigation appears to be at the fag end. Record goes to show that major portion of the investigation is completed. Furthermore, petitioner No.1-A4 is in judicial custody since 17.08.2026 and petitioner No.2-A5 is in judicial custody since 24.08.2026, detaining the

petitioners-A4 and A5 further in judicial custody will not serve the purpose.

23. The apprehension of learned Senior counsel for respondent No.2-complainant is that if the petitioner Nos.1 and 2-A4 and A5 are enlarged on bail, there is life threat to the complainant and her family members, the same can be taken care of by imposing stringent conditions on the petitioner Nos.1 and 2-A4 and A5.

24. Accordingly, petitioner Nos.1 and 2-A4 and A5 are granted bail, subject to the following strict conditions :

i. The petitioner Nos.1 and 2-A4 and A5 shall execute a personal bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only), with two sureties for a like sum each to the satisfaction of the concerned Court.

ii. The petitioner Nos.1 and 2-A4 and A5 shall appear before the concerned SHO in between 10:00 a.m. and 5:00 p.m., on every Sunday, Tuesday and Thursday for a period of eight (8) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter, as and when required.

iii. The petitioner Nos.1 and 2-A4 and A5 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C. (presently, Section 480(3) of the BNSS).

iv. The petitioner Nos.1 and 2-A4 and A5 shall not directly or indirectly influence, threaten, or induce any of the prosecution witnesses and they shall not involve in similar offences.

v. In the event of violation of any of the above conditions, the prosecution is at liberty to file an application for cancellation of bail.

Miscellaneous applications, if any pending, shall stand closed.

B.R.MADHUSUDHAN RAO, J

26th October, 2026
PLV

THE HON'BLE JUSTICE B.R.MADHUSUDHAN RAO

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DATE: 26.10.2026

PLV