IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE JUSTICE B.R.MADHUSUDHAN RAO

CRIMINAL PETITION No.15568 of 2026

(CNR.No. HBHC010652972026)

DATE: 05.10.2026

BETWEEN:

Mr. Tumpally Dayakar @ Dayakar

.....Petitioner-Accused

And

The State of Telangana,
Through SHO, Chengomul, Vikarabad,
Rep. by its Public Prosecutor,
High Court at Hyderabad.

..Respondent-Complainant

ORDER

1. This Criminal Petition is filed under Sections 480 & 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') praying this Court to enlarge the petitioner on bail who is arrayed as accused in connection with FIR No.177 of 2026 of Chengomul Police Station, Vikarabad District. The offence registered against the petitioner-accused is punishable under Section 108 of BNS.

2. Heard Smt. Mallareddygari Harthika, learned counsel for the petitioner and Sri D. Arun Kumar, learned Additional Public Prosecutor appearing for the respondent–State.

3. Learned counsel for the petitioner submits that the ingredients of Section 108 BNS are not made out even if the FIR is taken at its face value and the case alleged is a civil dispute over a land transaction. The transaction was completed by a registered sale deed in favour of the deceased's wife, the assertion that "no such land actually existed" is contradicted by the registered sale deed. The deceased had contested as a ward member in the election against the panel of the petitioner-accused and he lost and there is a political rivalry. Petitioner-accused is in judicial custody since 21.08.2026 and the alleged offence is not punishable with death or imprisonment for life, it is well settled law that bail is rule and jail is exception. Counsel in support of his contention has relied on the decision in the case of ***Mahendra Awase vs. State of Madhya Pradesh***[1] and prayed to enlarge the petitioner-accused on bail.

4. Learned Additional Public Prosecutor submits that the role played by the petitioner-accused is clearly depicted in the remand case diary.

5. T. Shanthamma has lodged a report before P.S. Chengomul on 15.08.2026. It is stated in the complaint that on the above said date at 12 hours she and her son Krishna

[1] (2025) 4 SCC 801

Mohan were at home, K. Mallesh (son-in-law) came to her house, they both spoke together and the complainant went to the house of her neighbours and returned back after twenty minutes and her son was in the bedroom and locked the door from inside. Complainant has knocked the door but her son did not open the door thereby she raised hue and cry, neighbours came there and broke open the door and found that her son was hanging to the ceiling fan and has written a suicide note in a book on his bed. Suicide note contains that the complainant's son had purchased 10 guntas of land from the village Sarpanch, Dayakar and paid Rs.15 lakhs by pledging gold and borrowing money. Basing on the said complaint, FIR came to be registered.

6. Petitioner-accused is arrested and remanded to judicial custody on 21.08.2026 at 10:30 hours, since then he is in jail.

7. Remand Case Diary goes to show that petitioner-accused is involved in Crime No.07 of 2018 of P.S. Chengomul, Vikarabad District. Learned counsel for the petitioner submits that the above said crime in which the offences are punishable below one year.

8. In ***Mahendra Awase (supra)*** Supreme Court observed at para No.12 which reads as under:

> "12. As is clear from the plain language of the sections to attract the Ingredient of Section 306, the accused should have abetted the commission of a suicide. A person abets the doing of a thing who Firstly - instigates any person to do that thing or Secondly - engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing or Thirdly - intentionally aids, by any act or illegal omission, the doing of that thing."

9. The above said decision is in respect of discharge of an accused for the offence punishable under Section 306 of IPC, hence the decision is not applicable to the case on hand.

10. The FIR and the remand case diary refers to the purchase of land in Sy.No.89 of Yenkepally Village admeasuring 10 guntas. Remand case diary goes to show that respondent has examined altogether nine witnesses in support of the case. Furthermore, petitioner-accused is in judicial custody since 21.08.2026 and it appears from the record that major portion of the investigation is completed, detaining the petitioner-accused further in judicial custody will not serve the purpose. Hence, petitioner-accused is entitled to be enlarged on bail, subject to the following conditions:

i. The petitioner-accused 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 learned Judicial First Class Magistrate, at Parigi, Vikarabad District.

ii. The petitioner-accused shall appear before the concerned SHO between 10 a.m. to 5 p.m., on every Sunday 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-accused shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.(presently, Section 480(3) of the BNSS).

iv. The petitioner-accused shall not directly or indirectly influence, threaten, or induce any of the prosecution witnesses.

v. It is made clear that if any of the conditions imposed by this Court are violated, the prosecution is at liberty to file an application for cancellation of the bail.

11. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

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B.R.MADHUSUDHAN RAO, J

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