IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No. 15830 OF 2026

(CNR No. HBHC010665512026)

DATE: 05.10.2026

Between :

Banoth Ravi and four others.

… Petitioners/Accused Nos. 1 & 5 to 8.

AND

The State of Telangana, through SHO, P.S. Thirumalayapalem, Represented by the Public Prosecutor, High Court for the State of Telangana, at Hyderabad.

… Respondent/Complainant.

ORDER

This Criminal Petition is filed under Section 482 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* (for short, "BNSS"), seeking the relief of pre-arrest bail.

2. The petitioners are arrayed as Accused Nos. 1 and 5 to 8 in Crime No. 248 of 2026 of Thirumalayapalem Police Station, Khammam District, registered for the offences punishable under Sections 189(2), 109(1), 324(4), 351(2), 61 read with Section 190 of the of the *Bharatiya Nyaya Sanhita, 2023* (for short, "BNS").

3. Heard Mr. S. Ganesh, learned counsel for the petitioners and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor, representing the respondent-State.

4.1. The prosecution case, in brief, is that the de facto complainant, who is the driver to the vehicle of one Naresh Reddy/employer, lodged a written complaint stating that on 21.09.2026, at about 7:30 p.m., while his employer was breaking a coconut near the Ganesh idol at Suddavagu Thanda Village in an *annadanam* programme, the electricity supply was stated to have been disconnected. After completion of the programme, while returning, his employer joined two others in their vehicle and they travelled together. When the de facto complainant was driving the car and had reached the outskirts of the village, the accused persons allegedly pelted stones at the car with an intention to kill Naresh Reddy. On noticing villagers approaching the spot, the accused persons allegedly fled from there, and in the incident, the bonnet of the car was damaged.

4.2. It is further alleged that, when they reached Mujahidpuram Cross Road, the accused persons again came there on motorcycles and threatened them, stating that they had escaped on that occasion and that they would kill them the next time. It is specifically alleged that the incident had been conspired at the instance of Petitioner No.1/Accused No.1. On the basis of the said report, a crime came to be registered.

5.1. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the crime and that a false case has been foisted against them with an ulterior political motive and with a view to harass them. He submits that, even according to the averments contained in the complaint, there was no physical attack upon any person and, at the highest, the allegation is that the bonnet of the car was damaged on pelting stones. He further points out that no material object has been seized by the police and that no person sustained any physical injury in the alleged incident.

5.2. Learned counsel further submits that there are no specific overt acts attributed to each of the accused and that the invocation of Section 109(1) of the BNS is an exaggeration and is unsupported by the material on record. He contends that the allegation of a pre-planned act and conspiracy has been made without furnishing any particulars and that the alleged confessional statement of a co-accused cannot, by itself, constitute a valid ground for implicating the petitioners. According to him, in the absence of a prima facie case and the essential ingredients necessary for attracting Section 109 of the BNS, the accusation under the said provision cannot be sustained. He further submits that the petitioners are willing to cooperate with the investigation and to abide by any conditions that may be imposed by the Court. Hence, he prays for grant of anticipatory bail to the petitioners.

6.1. Learned Additional Public Prosecutor opposed the bail petition and submitted that the de facto complainant had specifically mentioned the names of the petitioners in the complaint. It is further submitted that Accused No.1 is involved in five other similar offences. Insofar as the other accused are concerned, the learned Additional Public Prosecutor submits that their specific overt acts and individual involvement in the alleged offences are matters which require detailed investigation.

6.2. It is further contended that the intention of the accused is prima facie evident from the allegations and that the investigation is presently at a crucial stage. According to the learned Additional Public Prosecutor, granting anticipatory bail to the petitioners at this stage may prejudice the prosecution case and impede an effective investigation. It is, therefore, submitted that the custodial presence of the petitioners may be required for the purpose of effective investigation. On these grounds, learned Additional Public Prosecutor prayed for dismissal of the bail petition.

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

8. The allegation against the petitioners is that, pursuant to a conspiracy to cause the death of the employer of the de facto complainant, they, along with the other accused, attacked the vehicle in which he was travelling by

pelting stones, thereby damaging its bonnet. It is further alleged that the accused thereafter intercepted the vehicle and threatened the de facto complainant, stating that his employer had escaped on that occasion but would not be spared the next time. Thus, the prosecution case is that the attack and subsequent threats were part of a pre-planned design to cause serious harm to the employer of the de facto complainant.

9. At this stage, the Court is required to distinguish between the allegations and proof of the ingredients of the offences alleged. Section 109(1) of the BNS requires the requisite intention or knowledge and an act done in circumstances which, if death had resulted, would amount to murder. Mere pelting of stones at a vehicle and resultant damage to its bonnet, by itself, is not conclusive of such intention or knowledge; the applicability of Section 109(1) would depend upon the material collected during investigation and, if necessary, evidence at trial.

10. Insofar as Petitioner No.1/Accused No.1 is concerned, the material presently placed before this Court does not disclose his presence at either place of occurrence. His alleged connection with the occurrence and the conspiracy, therefore, requires further investigation. While considering anticipatory bail, the Court need not undertake a meticulous examination of the evidence or record definitive findings on disputed questions. The relevant considerations include the nature and gravity of the accusation, the

specific role attributed to the accused, his antecedents, the possibility of fleeing from justice or influencing the investigation, and the necessity of custodial interrogation. These principles are well settled in *Sushila Aggarwal v. State (NCT of Delhi)*, (2020) 5 SCC 1, and *Siddharam Satlingappa Mhetre v. State of Maharashtra*, (2011) 1 SCC 694.

11. In the present case, whether the alleged attack was pre-planned, whether the requisite intention or knowledge under Section 109(1) of the BNS can ultimately be attributed to the petitioners, and the precise role of each accused require investigation and, if necessary, consideration at trial. As regards Petitioner No.1/Accused No.1, the material presently available seeks to connect him with the occurrence and alleged conspiracy substantially on the basis of the statement/confession of a co-accused, while not disclosing his presence at either place of occurrence. Section 24 of the *Bharatiya Sakshya Adhiniyam, 2023*(for short, "BSA") permits a proved confession of one accused to be taken into consideration against another only in the circumstances specified therein; such a confession is not substantive evidence of the guilt of the co-accused.

12. The petitioners have expressed their willingness to cooperate with the investigation and abide by any conditions imposed by the Court. While the seriousness of the allegations cannot be overlooked, the remaining aspects, including the alleged conspiracy, the individual role of the petitioners, and

their connection with the occurrence, require further investigation. On the material presently available, there is no convincing ground to hold that custodial interrogation of the petitioners is indispensable for an effective investigation. The apprehension of the prosecution can be adequately safeguarded by imposing appropriate conditions to secure their availability and cooperation, and to prevent interference with the investigation or judicial process.

13. For the aforesaid, without expressing any final opinion on the merits of the prosecution case or the applicability of Section 109(1) of the BNS, this Court is of the considered view that the petitioners have made out a case for grant of anticipatory bail, subject to appropriate conditions.

14. Accordingly, the Criminal Petition is allowed. The petitioners/Accused Nos. 1 and 5 to 8 shall be enlarged on anticipatory bail, subject to the following conditions:

(A) The petitioners shall surrender before the Station House Officer, Thirumalayapalem Police Station, Khammam District, on or before 21.10.2026. Upon such surrender or in the event of arrest, the Station House Officer shall release the petitioners on bail on execution of personal bonds 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 Saturday between 10:00 AM to 03:00 PM, for a period of twelve (12) weeks from the date of their release on bail or until filing of the final result, whichever is earlier.

(C) The petitioners shall remain available for interrogation as and when required by the Investigating Officer during the course of investigation and shall extend full cooperation with the Investigating Officer.

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

(E) The petitioners shall furnish their complete residential addresses, mobile numbers and other contact particulars to the Investigating Officer and shall promptly intimate any change(s) therein.

(F) The petitioners shall not directly or indirectly induce, threaten, influence, or promise any person acquainted with the facts of the case, nor shall they tamper with prosecution evidence in any manner whatsoever.

(G) Any wilful breach or violation of any of the aforesaid conditions shall render the petitioners liable to appropriate proceedings

before the Court below, including cancellation of bail, in accordance with the provisions of the BNSS and other applicable law.

15. 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. Pending miscellaneous applications, if any, shall stand closed.

N.TUKARAMJI, J

Date: 05.10.2026
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