IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.15945 OF 2026

(CNR No.HBHC010669782026)

DATE: 09.10.2026

Between :

Girish Tak **… Petitioner/accused No.1**

AND

The State of Telangana. **… Respondent**

ORDER:

This Criminal Petition is filed under Section 482 of the *Code of Criminal Procedure, 1973* (for short, 'Cr.P.C'), seeking the relief of anticipatory bail.

2. The petitioner is arrayed as accused No.1 in Crime No.346 of 2026 on the file of the Malakpet Police Station, Hyderabad, facing accusations under Sections 143(2), 144(2) of the *Bharathiya Nyaya Sanhitha, 2023* (for short 'BNS') and Sections 3, 4 and 5 of *Immoral Traffic (Prevention) Act, 1956*. (for short, 'ITP Act').

3. Heard Mr. P. Animi Reddy, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor, representing the respondent No.1-State.

4. The prosecution case, in brief, is that on 15.09.2026, acting upon credible information, the complainant/Sub-Inspector of Police, along with his team, conducted a raid at Niranthara Spa, Moosarambagh, Dilsukhnagar, Hyderabad. During the raid, accused Nos.2 and 3 were found along with three women, who were described by the prosecution as victims. The allegation against the petitioner is that he was the organizer of the said spa. The petitioner was implicated as the organizer on the basis of the statement of co-accused, and, upon submission of the report, the present crime came to be registered.

5.1. Learned counsel for the petitioner would contend that the implication of the petitioner as an accused is based solely on the confessional statement of the co-accused, which has no evidentiary value against the petitioner. Learned counsel would further contend that, even according to the prosecution, the complainant/officer who conducted the raid was only a Sub-Inspector of Police. Therefore, in terms of Section 15 of the Act, only a Special Police Officer/Trafficking Police Officer, not below the rank of Inspector of Police, is competent to conduct a search with or without a warrant. In the present case, the prosecution material evidently discloses that the complainant, who conducted the raid without a warrant, was a Sub-Inspector of Police. According to learned counsel, this goes to the root of the prosecution case and vitiates the entire proceedings.

5.2. Learned counsel further relies upon the judgment of a Co-ordinate Bench of this Court in Crl.P.No.8140 of 2025, wherein, upon consideration of the statutory scheme under Sections 13 and 15 of the ITP Act, the proceedings were quashed on the ground that the complainant was not an authorized officer. Learned counsel submits that the same principle is applicable to the present case. However, the petitioner is willing to cooperate with the investigation and abide by any conditions that may be imposed by this Court. In view of the aforesaid fundamental deficiency in the prosecution case, learned counsel prays that the petitioner may be granted anticipatory bail.

6. Learned Additional Public Prosecutor, on the other hand, opposed the bail petition and submitted that the inspection conducted by the complainant revealed the commission of offences under the provisions of the ITP Act and that the investigation is still pending. However, learned Additional Public Prosecutor fairly admits that the officer who conducted the inspection and lodged the complaint is only a Sub-Inspector of Police. He submits that the inspection was nevertheless conducted pursuant to the instructions and authorization of the competent authority. On the said basis, he prays for dismissal of the petition.

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

8. The specific allegation against the petitioner is that he organized the objectionable activities in the spa run by him, thereby attracting the provisions of the ITP Act. The petitioner contends that his implication is based essentially on the statement of a co-accused; that he was neither present at the premises at the time of the raid nor was any incriminating material recovered from his possession.

9. The petitioner further questions the competence of the officer who conducted the search. Section 13 of the ITP Act contemplates appointment of a Special Police Officer for dealing with offences under the Act and mandates under Section 13(2) that such officer shall not be below the rank of Inspector of Police. Section 15 confers the power of search, without warrant in the circumstances specified therein, upon the Special Police Officer or Trafficking Police Officer, as the case may be. Thus, the power to conduct a warrantless search is required to be exercised by an officer duly empowered under the statutory scheme.

10. In the present case, the material placed before this Court does not disclose any notification, order or authorization designating the complainant, admittedly a Sub-Inspector of Police, as a Special Police Officer or Trafficking Police Officer competent to exercise the powers under Sections 13 and 15 of the ITP Act. Mere instructions or authorization by a superior police officer, by themselves, do not establish such statutory

designation. The issue, therefore, concerns not merely the manner of search, but the very competence of the officer who exercised the statutory power.

11. This issue assumes significance in view of the judgment of the Co-ordinate Bench of this Court in *Sneha Priya v. State of Telangana*, Crl.P.No.8140 of 2025, dated 08.09.2025, wherein, upon consideration of Sections 13 and 15 of the ITP Act, it was held that a Sub-Inspector who had not been designated as a Special Police Officer was not competent to conduct the search and seizure contemplated under the Act, notwithstanding directions or authorization from a superior police officer.

12. The petitioner also relies upon the limited evidentiary value of the statement of a co-accused. It is settled that a confession of a co-accused is not substantive evidence against another accused and, where it is legally capable of being considered, it ordinarily requires independent evidence against the accused to lend assurance to the prosecution case. In the present case, the petitioner is sought to be connected with the alleged activities primarily on the basis of the statement of a co-accused, while there is no assertion that he was present at the premises or that any incriminating material was recovered from his possession. These circumstances assume significance when considered alongside the absence, at this stage, of material demonstrating the statutory designation

of the complainant as the competent officer under Sections 13 and 15 of the ITP Act.

13. Though the allegations relate to offences under a special enactment and the investigation is pending, the statutory safeguards governing the exercise of powers under the ITP Act cannot be disregarded. In the facts and circumstances of the case, particularly the apparent absence of material establishing the complainant's statutory competence to conduct the search, the nature of the material relied upon for implicating the petitioner, and his willingness to cooperate with the investigation and abide by any conditions imposed by this Court, this Court is of the considered view that the petitioner's prayer for anticipatory bail merits favourable consideration, subject to appropriate conditions.

14. Accordingly, petitioner No.1/accused No.1 is granted anticipatory bail, subject to following conditions.

(A) The petitioner/accused No.1 shall surrender before the Station House Officer, Malakpet Police Station, Hyderabad District, on or before 23.10.2026. 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.10,000/- (Rupees Ten 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 on every Tuesday and Saturday between 10.00AM to 03.00PM, for a period of eight (08) weeks from the date of his release on bail or until the filing of the charge sheet, whichever is earlier.

(C) The petitioner shall remain available for investigation as and when required by the Investigating Officer and shall cooperate fully with the investigation.

(D) 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.

(E) 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.

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

(G) 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.

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.

JUVVADI SRIDEVI, J

Date: 09.10.2026
smk

THE HONOURABLE SMT JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.15945 OF 2026

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