IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.17208 OF 2026

(CNR No. HBHC010721042026)

DATE: 28.10.2026

Between :

Nalla Maisaiah and Another

… Petitioners

AND

The State of Telangana

… Respondent

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nyaya Suraksha Sanhita*, 2023* (for short, 'BNSS'), seeking the relief of anticipatory bail.

2. The petitioners are arrayed as the accused Nos.7 and 8 in Crime No.250 of 2026 on the file of Manchal Police Station, Ranga Reddy District, facing accusations under Sections 127(2), 118(1), 324(4), 332(c), 189(1) read with 190 of *Bharatiya Nyaya Sanhita, 2023* (for short 'BNS').

3. Heard Mr.Venkat Rama Naidu, learned counsel representing Ms.Rohitha Priyanka Banala, learned counsel for the petitioners and

Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor, representing the respondent-State.

4. The prosecution case, in brief, is that on 23.09.2026, on the suspicion that L.W.2 was practising black magic against the villagers, the petitioners, along with other accused, formed an unlawful assembly, forcibly dragged L.W.2, her husband, and another person out of their house, assaulted them, and took them to the Pochamma Temple. At the temple, L.W.2 was allegedly tied to a tree with a decorative cloth. It is further alleged that the accused assaulted the de facto complainant and other persons who intervened in the incident. Based on the report lodged by the de facto complainant, the present crime was registered.

5. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. He contends that the prosecution material does not disclose any specific overt act attributable to the petitioners individually. He further submits that the investigation in the crime has been completed and that accused Nos. 1 to 3, who are the prime accused, have already been arrested and released on bail. Learned counsel also questions the legal basis for the alteration of the offence to one under Section 109 of the BNS. He further submits that the petitioners are permanent residents and are willing to cooperate with the investigation and abide by any conditions that may be imposed by this Court. On these

grounds, learned counsel seeks the grant of anticipatory bail to the petitioners.

6. Per contra, learned Additional Public Prosecutor opposes the petition and submits that the de facto complainant has specifically named the petitioners and alleged that they took the de facto complainant's parents and another person to the temple, where all the accused assaulted his mother. He further contends that the petitioners, having allegedly acted as members of an unlawful assembly and in furtherance of a common intention, are equally liable for the acts committed by the other accused. He submits that specific overt acts have been attributed to the petitioners and that the investigation is still in progress. He further contends that the custodial presence of the petitioners may be necessary for an effective investigation and that granting anticipatory bail at this stage may result in their failure to cooperate with the investigating agency. Accordingly, prays for the dismissal of the petition.

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

8. Having considered the rival submissions and perused the material on record, this Court is of the view that the petitioners have made out a case for grant of anticipatory bail, subject to appropriate conditions. Though the

allegations concerning the forcible removal and assault of L.W.2 and others, including the alleged tying of L.W.2 to a tree at the Pochamma Temple on the suspicion of practising black magic, are serious, the gravity of the accusation alone is not decisive. The necessity for custodial interrogation, the nature of the allegations, and the possibility of securing the petitioners' cooperation must also be considered.

9. In *Gurbaksh Singh Sibbia v. State of Punjab*, (1980) 2 SCC 565, and *Sushila Aggarwal v. State (NCT of Delhi)*, (2020) 5 SCC 1, the Hon'ble Supreme Court held that the grant of anticipatory bail depends on the facts and circumstances of each case, balancing personal liberty against the requirements of investigation, with appropriate conditions to safeguard the interests of justice.

10. The petitioners contend that no specific overt act has been attributed to them individually and that accused Nos. 1 to 3, stated to be the prime accused, have already been released on bail. The prosecution, however, submits that the petitioners have been specifically named and participated in the incident as members of an unlawful assembly. While the absence of an individual overt act does not, by itself, exclude liability under Section 190 of the BNS, the applicability of that provision depends on the statutory ingredients and the material on record. At this stage, the issue is whether custodial interrogation is necessary, not whether the petitioners are guilty.

11. Further, while the petitioners contend that the investigation is complete, the prosecution asserts that it is still in progress. Nevertheless, the pendency of an investigation, by itself, does not warrant denial of anticipatory bail. Additionally, the release of accused Nos. 1 to 3 on bail is a relevant, though not conclusive, consideration. The petitioners' entitlement must be independently assessed in light of the allegations against them, the available material, and the necessity for custodial interrogation. Considered cumulatively, these circumstances support the petitioners' prayer for relief. Accordingly, having regard to the totality of the circumstances and without expressing any opinion on the merits of the case, this Court is satisfied that the interests of the investigation can be safeguarded by imposing appropriate conditions.

12. Accordingly, the Criminal Petition is allowed, subject to following conditions.

(A) The petitioners/accused Nos.7 and 8 shall surrender before the Station House Officer, Manchal Police Station, Ranga Reddy District, on or before 12.11.2026. Upon such surrender or in the event of arrest the Station House Officer shall release them on bail on execution of a personal bond 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 Tuesday and Saturday between 10.00AM to 03.00PM, for a period of twelve (12) weeks from the date of their release on bail or until the filing of the final result, whichever is earlier.

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

(D) The petitioners shall furnish their complete residential address and contact details to the Investigating Officer and shall keep the same updated throughout the course of investigation.

(E) The petitioners shall not either directly or indirectly induce, threaten, influence, or contact any prosecution witness, nor shall they tamper with the prosecution evidence in any manner whatsoever.

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

(G) Any willful 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.

13. 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. Miscellaneous applications, if any pending, shall stand closed.

N.TUKARAMJI, J

Date: 28.10.2026
CHS

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