IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
THE HON'BLE JUSTICE B.R.MADHUSUDHAN RAO

CRIMINAL APPEAL No.1206 of 2026

(C.N.R No. HBHC010722552026)

DATED: 02.11.2026

Between:
1. Gurram Ramesh. …Petitioner – A5
2. Gundlapally Swamy. …Petitioner – A8

And

1.The State of Telangana,
Rep. by Public Prosecutor,
High Court of Telangana at
Hyderabad. …Respondent No.1-State

2. Manupati Vinod. …Respondent No.2-complainant

JUDGMENT

1. This Criminal Appeal is filed under Section 14A (2) of the SC &ST (POA) Act read with Section 415 (2) of the BNSS Act praying this Court to set aside the order dated 25.08.2026 passed by the learned Special Sessions Judge For Trial of SCs/STs (POA) Act Cases-cum-II Additional District and Sessions Judge, Nalgonda. The offences alleged against appellants – A5 and A8 are punishable under Sections 103, 61 (2) of the BNS and Section 3 (1) (f) and 3 (2) (v) of the SC/ST (POA) Act. 2.

2. Heard Sri Kiran Palakurthi, learned counsel for appellants – A5 and A5 and Sri D. Arun Kumar, learned Additional Public Prosecutor for respondent - State.

3. Learned counsel for the appellants submits that mere suspicion of the complaint and relationship of the appellants- A5 and A8 with the deceased does not disclose commission of any offences. Appellants – A5 and A8 are nothing to do with the alleged offence and they are falsely implicated in the case. The *de facto* complainant himself stated in the report that he suspected the appellants- A5 and A8 being involved in the alleged offences. Such statement is solely on suspicion and not supported by any specific incriminating material or corroborative evidence which does not establish their guilt or constitute sufficient evidence to sustain their conviction. The alleged offences under SC/ ST Act cannot be attributed to the appellants - A5 and A8 as the entire record fails to reveal that the alleged offences are committed only on the ground that the victim-deceased belong to SC/ST community. Charge sheet is already filed and is numbered as SC Spl.No.133 of 2026 before the learned Sessions Court and the matter is posted on 15.10.2026 for framing of charges. Bail petitions filed by the appellants - A5 and A8 before this Court and the learned Sessions Court all came to be dismissed vide orders dated

01.10.2026, 31.07.2026, 17.08.2026 and 25.08.2026. Counsel in support of his contention has relied on the decision in the case of Mahesh Chandra Joshi : Mukesh Patak v. State of Rajasthan[1] and prayed to grant bail to the appellants - A5 and A8.

4. Learned Additional Public Prosecutor submits that specific overt acts are attributed against the appellants - A5 and A8 in the remand report and also in the charge sheet. Earlier bail petition filed by the appellants - A5 and A8 in Crl.M.P.No.14571 of 2026 came to be dismissed by this Court vide order dated 01.10.2026 with an observation that the appellants - A5 and A8 have to file an appeal under Section 14 E of SC/ST Act against rejection of bail order passed by the learned Special Court and prayed to dismiss the petition.

5. Learned counsel for respondent No.2 submits that petitioners - A5 and A6 have filed discharge petition before the learned Sessions Court to discharge them from the case and the same is posted on 02.11.2026. Prosecution has made an application under Section 14 of SC/ST Act to complete the Special Case within the time frame enacted under the SC/ST Act. Appellants- A5 and A8 have played a key role in the commission of the offence, in support of his

[1] 2026 INSC 1141

contentions has relied on the decisions in the cases of (1) Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav[2], (2) Prasanta Kumar Sarkar v. Ashis Chatterjee and another[3], (3) Lakshmanan v. State Through The Deputy Superintendent of Police and others etc.[4]

6. M.Vinod has lodged a complaint before P.S. Haliya on 17.05.2026 stating that 1) N.Shashikala 2) G.Navanitha 3) A.Renuka and their family members were quarrelling with his sister-sumalatha and threatened that they would harvest the palm oil fruits at any cost and if obstructed they would kill his sister and her daughter and executed accordingly. Basing on the said complaint, FIR came to be registered under Sections 103 and 61 (2) of BNS against A1-N.Shashikala, A2- G.Navanitha, A3- A. Renuka, A4-N.Venkanna, A5-G.Ramesh, A6-R.Narasimha and A7- R.Mahesh.

7. Appellants - A5 and A8 were arrested and remanded to judicial custody on 21.05.2026. Prosecution has filed charge sheet before the concerned Court on 31.08.2026 and the same is numbered as SC Spl.No.133 of 2026.

8. Appellants - A5 and A8 along with A1 to A3 have filed Crl.MP.No.491 of 2026 in Crime No.117 of 2026 for grant of regular

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[2] AIR 2004 Supreme Court 1866
[3] AIR 2011 Supreme Court 274
[4] 2025 INSC 1483

bail before the learned Session Special Court, the same came to be dismissed vide order dated 25.08 2026. Appellants- A5 and A8 along with A1 to A3 have filed Crl.No.14571 of 2026 for grant of regular bail. Apart from the above said accused, A4-N Venkanna has also filed regular bail petition vide Crl.P.No.14568 of 2026 and A7-Mahesh has filed regular bail petition vide Crl.P.No.15032 of 2026 before this Court. This Court vide order dated 01.10.2026 has enlarged A1 to A4 and A7 on bail on conditions. In so far as A5 and A8 is concerned, the bail application came to be dismissed holding that A5 and A8 have to file appeal under Section 14 E of SC/ST (POA) Act.

9. Appellants - A5 and A8 in pursuance of the observations of this Court in the order dated 01.10.2026 has filed the present Criminal Appeal for grant of regular bail.

10. In Mahesh Chandra Joshi : Mukesh Patak[1] Supreme Court observed that "the gravity of the allegations, however serious, cannot by itself eclipse, all other considerations governing the grant of bail or justify indefinite pre-trial detention. In Kalyan Chandra Sarkar[2] Supreme Court observed as under:

> "The law in regard to grant or refusal of bail is very well settled. The Court granting bail should exercise it s discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be

undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the Court granting bail to consider among other circumstances, the following factors also before granting bail: they are,

(a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence;

(b) Reasonable apprehension of tampering of the witness or apprehension of threat to the complaint;

(c) Prima facie satisfaction of the Court in support of the charge; (See Ram Govind Upadhyay v. Sudarshan Singh and others (2002 (3) SCC 598) and Puran v. Rambilas and another (2001 (6) SCC 338)

In regard to cases where earlier bail applications have been rejected there is a further onus on the court to consider the subsequent application for grant of bail by noticing the grounds on which earlier bail applications have been rejected and after such consideration if the Court is of the opinion that bail has to be granted then the said Court will have to give specific reasons why in spite of such earlier rejection the subsequent application for bail should be granted. (See Ram Govind Upadhyay, Bearing in mind the above principles which on facts are applicable to the present case also, we will now consider the merits of the above appeal.

Before concluding, we must though an accused has a right to make successive applications for grant of bail the Court entertaining such subsequent bail applications has a duty to consider the reasons and grounds on which the earlier bail applications were rejected. In such cases, the Court also has a duty to record what are the fresh grounds which persuade it to

take a view different from the one taken in the earlier applications. In the impugned order we do not see any such fresh ground recorded by the High Court while granting bail. It also failed to take into consideration that at least on four occasions order refusing bail has been affirmed by this Court and subsequently when the High Court did grant bail, this Court by its order dated 26.07.2000 cancelled the said bail by a reasoned order. From the impugned order, we do not notice any indication of the fact that the High Court took note of the grounds which persuaded this Court to cancel the bail. Such approach of the High Court, in our opinion, is violative of the principle of binding nature of judgments of superior court rendered in a lis between the same parties, and in effect tends to ignore and thereby render ineffective the principles enunciated therein which have a binding character."

11.2 In Prasanta Kumar Sarkar[3], Supreme Court observed as under:

"We are constrained to observe that in the instant case, while dealing with the application of the accused for grant of bail, the High Court completely lost sight of the basic principles enumerated above. The accused, in the present case, is alleged to have committed a heinous crime of killing an old helpless lady b y strangulation. He was seen coming out of the victim's house by a neighbour around the time of the alleged occurrence, giving rise to a reasonable belief that he had committed the murder. We feel that under the given circumstances, it was not the stage at which bail under Section 439 of the Code should have been granted to the accused, more so, when even charges have not yet been framed. It is also pertinent to note that, as stated above, the Additional Chief Judicial Magistrate had rejected three bail applications of the accused but the High Court did not find it worthwhile to even make a reference to these orders. In this regard, it would be useful to refer to the following observations echoed in (2001) 4 SCC 224 (2005) 3 SCC 143 (2002) 9 SCC 364 2005) 7 SCC 326 Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav @ Anr.9:-

> "In regard to cases where earlier bail applications have been rejected there is a further onus on the court to consider the subsequent application for grant of bail by noticing the grounds on which earlier bail applications have been rejected and after such consideration if the court is of the opinion that bail has to be granted then the said court will have to give specific reasons why in spite of such earlier rejection the subsequent application for bail should be granted." (See also : Ram Pratap Yadav v. Mitra Sen Yadav & Anr.10)"

11.3 In Lakshman[4], the facts are leading to conducting for a joint trial in Crime No.39 of 2020 and Crime No.202 of 2022. The above said decision is not applicable to the case on hand.

12. Appellants - A5 and A8 have filed discharge petition before the learned Special Court and the same is coming up for arguments on 02.11.2026. The submissions of learned counsel for respondent No.2 is that the learned Special Public Prosecutor has filed an application before the learned Special Court under section 14 read with 15E of SC/ST Act i.e., ready to proceed with the trial without any delay is also considered by this Court in the bail applications filed by A1 to A4 and A7.

13. Learned Additional Public Prosecutor on instructions submits that the bail granted to A1 to A4 and A7 on 01.10.2026 is not challenged before the Supreme Court.

14. Respondent No.2 counsel on instructions submits that they have not challenged the bail granted to A1 to A4 and A7 by this Court on 01.10.2026.

15. The changed circumstances is that basing on the observations of this Court on 01.10.2026 that the appellants - A5 and A8 have to file an appeal under Section 14E of the SC/ST Act, they filed the present appeal.

16. Main accused are already enlarged on bail by this Court on 01.10.2026 and there is no challenge to the said order.

17. Respondent No.2 counsel is that if the accused are enlarged on bail they may adversely affect the confidence and security of the complainant's family and material witnesses and this Court further observed that since charge sheet is already filed, they are entitled for grant of bail on conditions and the submissions of the respondent No.2 counsel were kept into consideration by imposing severe conditions.

18. At the cost of reputation, A1 to A4, A6, A7 are already enlarged on bail by this Court, since charge sheet came to be filed, the question of influencing the witnesses by the appellants - A5 and A8 does not arise. Hence they are also entitled for bail on the same parity of the order 01.10.2026 subject to following conditions:

(i) The petitioners – A5 and A8 shall execute 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 learned Judicial Magistrate of First Class, Nidmanoor, Nalgonda District.

(ii) The petitioners – A5 and A8 shall appear before the concerned SHO in between 10:00 a.m., and 5:00 p.m., on every Sunday, Tuesday and Wednesday and mark their presence till conclusion of Spl.S.C.no.133 of 2026.

(iii) The petitioners – A5 and A8 shall not involve in any other crimes.

(iv) The petitioners – A5 and A8 shall not directly or indirectly influence, threaten, or induce any of the prosecution witnesses.

(v) The petitioners – A5 and A8 shall abide by the conditions stipulated in Section 437 (3) of Cr.P.C. (presently, Section 480 (3) of the BNSS).

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

19. Accordingly, the Criminal Appeal is allowed.

Miscellaneous applications, if any pending, shall stand closed.

B.R.MADHUSUDHAN RAO, J

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