IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.17778 OF 2026

(CNR. No. HBHC010744502026)

DATE: 13.11.2026

Between :

Kauser Begum and another. .

… Petitioners/Accused Nos.3 and 4.

AND

The State of Telangana, through Station House Officer, Gajwel Police Staton, Rep., by its Public Prosecutor, High Court.

… Respondent.

ORDER:

This petition is filed under Section 482 of *Bharatiya Nagarik Suraksha Sanhita*, 2023 (for short, "BNSS"), seeking the relief of anticipatory bail.

2. The petitioners are arrayed as Accused Nos.3 and 4 in FIR No.366 of 2026 on the file of Gajwel police station, for the offences punishable under Section 109 read with 3(5) of the *Bharatiya Nyaya Sanhita*, 2023 (for short, "BNS").

3. Heard Ms. P. Sree Ramya, learned counsel for the petitioners, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor, appearing for the respondent-State.

4.1. The prosecution case, in brief, is that there have been longstanding disputes between the parties for about 30 years in relation to their grandfather's property. In connection with the said disputes, the complainant in Crime No.366 of 2026 alleged that his paternal uncle and the uncle's son had been abusing and threatening him, and that cases relating to earlier assaults had also been registered against them. He further alleged that, on 01.10.2026, at about 9:00 p.m., while he was proceeding on his motorcycle along with his friend, the accused intercepted them in front of his uncle's house, opposite Kamal Photo Studio, at Gajwel, and attacked him with iron rods, a cricket bat and knives, with an intention to kill him, thereby causing bleeding injuries to his head. He explained that the delay in lodging the complaint was on account of the medical treatment undergone by him. Based on the said report, a crime came to be registered.

4.2. Conversely, petitioner No.1/accused No.3 lodged a report on the same day at about 9:15 p.m., alleging that the complainant herein had assaulted her, touched her chest and torn her clothes, whereupon her brother intervened. She further alleged that the CCTV footage showed

the complainant approaching their residence carrying fire and a cover containing petrol. According to her, the complainant had earlier abused her brother over the telephone and was accompanied by eight persons who were allegedly consuming drugs. She also referred to previous incidents of assault and threats allegedly made by the complainant and his associates against her father. Based on her report, Crime No.366 of 2026 came to be registered.

5.1. Learned counsel for the petitioners submits that the petitioners/accused Nos.3 and 4 have been falsely implicated on account of longstanding ancestral property disputes and personal animosity between the parties. It is contended that the complainant was the initial aggressor, having threatened accused No.1 over the telephone and thereafter approached the petitioners' residence carrying petrol and a burning stick. It is further submitted that petitioner No.1/accused No.3 was assaulted by the complainant and sustained injuries, which are supported by medical records and photographs. In connection with the said incident, she lodged a complaint, pursuant to which a crime came to be registered.

5.2. Learned counsel would further contend that the rival complaints disclose conflicting versions of the same occurrence, necessitating a fair investigation into the respective allegations. It is also argued that no specific overt act has been attributed to the petitioners so as to

establish their individual involvement or the existence of common intention. Further, it is contended that the requisite intention or knowledge to attract the alleged offence under Section 109 of the BNS, is not made out. The petitioners' right of private defence under Sections 34 and 44 of the BNS is also stated to warrant consideration. Learned counsel would additionally submit that the petitioners are women and permanent residents, and that there is no likelihood of their absconding, tampering with the evidence or influencing the witnesses. They undertake to cooperate with the investigation and abide by any conditions that may be imposed by this Court. Placing reliance upon *Gurbaksh Singh Sibbia v. State of Punjab*, (1980) 2 SCC 565, and *Sushila Aggarwal v. State (NCT of Delhi)*, (2020) 5 SCC 1, learned counsel for the petitioners prays for grant of anticipatory bail.

6. Per contra, learned Additional Public Prosecutor opposes the petition, submitting that the petitioners, along with the other accused, intercepted the defacto-complainant on 01.10.2026, at about 9:00 p.m., while he was proceeding on his motorcycle along with his friend, and assaulted him with an iron rod, a cricket bat and knives, with an intention to kill him, thereby causing bleeding injuries to his head. He further submits that five witnesses have already been examined and that the medical certificate of the injured has been received, which records that he sustained simple injuries. However, the investigation is

still in progress and further evidence remains to be collected. Contending that the petitioners, if granted pre-arrest protection, may not cooperate with the investigation, the learned Additional Public Prosecutor prays for dismissal of the petition.

7. I have carefully considered the rival submissions of the learned counsel and perused the materials available on record.

8. From the pleadings, it is evident that the alleged incident arose out of longstanding family disputes relating to ancestral property. While the prosecution alleges that the defacto-complainant was intercepted and assaulted with iron rods, a cricket bat and knives, with an intention to kill him, the petitioners contend that the complainant was the aggressor and had approached their residence carrying petrol and a burning stick. They further contend that petitioner No.1/accused No.3 herself sustained injuries in the said incident, pursuant to which a counter-case was also registered, indicating rival versions of the same occurrence. Though the registration of a counter-case does not, by itself, establish the innocence of the petitioners, it is nevertheless a relevant circumstance warranting consideration.

9. The respondent police are stated to have examined witnesses and collected medical evidence, which indicates that the injured sustained simple injuries. Though the nature of the injuries, by itself,

cannot negate the alleged intention or knowledge to commit murder, it is a relevant factor to be considered along with the nature of the weapons allegedly used, the manner of assault and the attending circumstances. Further, the absence of specific overt acts attributed to the petitioners, as contended by their learned counsel, is also a relevant consideration while examining their alleged common intention, though the same is not conclusive by itself.

10. It is well settled that the power to grant anticipatory bail must be exercised judiciously, having regard to the nature and gravity of the accusation, the specific role attributed to the petitioners, their antecedents, the possibility of their absconding or tampering with the evidence, and the necessity for custodial interrogation, while balancing the individual's right to liberty against the interests of the investigation. (See: *Gurbaksh Singh Sibbia v. State of Punjab*, *Sushila Aggarwal v. State (NCT of Delhi)* (supra), and *Siddharam Satlingappa Mhetre v. State of Maharashtra*, (2011) 1 SCC 694).

11. In the present case, the respondent police have not demonstrated any specific necessity for the custodial interrogation of the petitioners. Having regard to the stage of investigation, the absence of reported criminal antecedents or any specific apprehension that the petitioners are likely to abscond or tamper with the evidence, and the fact that they are women and permanent residents, this Court is of the

considered view that the remaining investigation can be effectively carried forward by securing their cooperation, without requiring their custodial interrogation.

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

a) Petitioners/Accused Nos.3 and 4 shall surrender before the Station House Officer, Gajwel police station, on or before 28.11.2026. Upon such surrender, or in the event of their arrest, the Station House Officer shall release them on bail upon each of them executing 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 furnish his complete residential addresses and contact details to the Investigating Officer and shall keep the same updated throughout the proceedings before the trial court.

c) Additionally, the petitioners shall remain available as and when required by the investigating officer during the course of investigation.

d) The petitioners shall neither directly nor indirectly induce, threaten, influence, nor contact any prosecution witness, nor shall they tamper with the prosecution evidence in any manner whatsoever.

e) In the event of breach of any of the aforesaid conditions by the petitioners, the prosecution shall be at liberty to take appropriate steps seeking cancellation of bail.

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.

Pending miscellaneous applications, if any, shall stand closed.

Date: 13.11.2026 **N.TUKARAMJI, J**

MRKR

THE HON'BLE SRI JUSTICE N. TUKARAMJI

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