IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

WRIT PETITION Nos.36623 OF 2026

(CNR No. HBHC010745442026)

DATE: 11.11.2026

Between:

Palle Himabindu.

...Petitioner

AND

The State of Telangana and others.

...Respondents

ORDER:

This Writ Petition is filed with the following relief:

> *"...to issue a writ order or direction more particularly one in the nature of writ of Mandamus to challenge the Impugned Order of Forfeiture of Bond and Detention dated 09102026 passed by the Respondent No3 Tahasildhar/Executive Magistrate on the writ petitioners husband ie Palle Prashanth S/o Srinivas aged 29 years Occupation Private Service R/ o HNo2-113/8 Narsampet Village Narsampet Mandal Warangal District which is highly illegal and unjust as no Notice is issued not called for any explanation and further mere registration of crime does not amounts to violation of conditions if any the same is passed the entire process is done on the same one day ie 09102026 itself on the influence of defacto complainant/ Respondent No5 therein who is also a revenue employee as such the impugned order is unfair illegal arbitrary violation of principles of Natural Justice violative of Article 14 19 1 g of the Constitution of India and consequently set aside the*

Impugned Order of Forfeiture and Detention dated 09102026 passed in MC No 11/2026 on the file of Respondent No3 and be pleased to pass....."

2. Heard Mr.Kongala Mohan Goud, learned counsel for the petitioner, Mr.Sridhar Bhuvanagiri, learned Assistant Government Pleader for Home appearing for respondent Nos.2 and 4.

3. In the impugned proceedings, the petitioner has been committed to prison under a warrant for breach of bond for good behaviour executed under Section 141 of the Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS').

4. Learned counsel appearing for the petitioner would submit that the petitioner was committed to prison without being afforded an opportunity to explain the allegations or to be heard, and was taken into custody pursuant to the execution of the warrant on 07.08.2026. It is further contended that mere registration of a crime, in the absence of any conclusive finding regarding the petitioner's guilt, cannot constitute sufficient ground for holding that the petitioner has breached the bond executed for maintaining good behaviour. Learned counsel would further submit that the 3rd respondent failed to follow the procedure prescribed under the BNSS while conducting the enquiry and recording evidence to ascertain the alleged breach. It is also contended that no notice was duly served on the petitioner, nor was any reasonable opportunity afforded to him to submit his explanation before passing the order under Section 141 of the BNSS.

Furthermore, learned counsel would submit that this Court, while considering the cases of other petitioners who were similarly placed, had quashed the proceedings on the grounds of denial of an adequate opportunity of hearing and absence of conclusive material establishing breach of the bond. On these grounds, learned counsel prays that the impugned proceedings be set aside.

5. Per contra, learned Assistant Public Prosecutor would submit that the Executive Magistrate had initiated the proceedings and issued the warrant after following the prescribed procedure. It is further submitted that, upon receipt of the report of the Station House Officer, Narsampet Police Station, dated 08.10.2026, and having regard to the registration of the crime against the petitioner, the authority proceeded against him for breach of the bond executed for maintaining good behaviour and consequently committed him to prison. Accordingly, the learned Assistant Public Prosecutor would contend that the impugned proceedings do not warrant interference by this Court.

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

7. The petitioner does not dispute the fact that he had executed a bond for maintaining good behaviour for a period of one year, for a sum of Rs.1,00,000/-, together with a surety, before the Mandal Executive Magistrate, Narsampet. It is evident from the report of the

Station House Officer, Narsampet Police Station, dated 09.10.2026, that a crime was registered against the petitioner alleging the commission of an offence. On the basis of the said report, the Tahsildar and Mandal Executive Magistrate initiated proceedings by issuing a notice proposing forfeiture of the bond executed by the petitioner for maintaining good behaviour.

8. Though the prosecution contends that the prescribed procedure was duly followed, the material placed on record does not disclose that the notice was properly served on the petitioner. More significantly, the notice dated 09.10.2026 called upon the petitioner either to show cause or to pay the penalty amount of Rs.1,00,000/- within specified period from the date of receipt of the notice. However, on the very same day, the authority proceeded to issue the warrant of commitment on the ground of failure to comply with the undertaking to maintain good behaviour. This sequence of events clearly demonstrates that the authority issued the show-cause notice and proceeded to pass the consequential order of commitment without waiting for the petitioner to respond to the notice or affording him a reasonable opportunity to explain his position.

9. Thus, a bare perusal of the record reveals that the impugned action was taken in undue haste, without adhering to the fundamental requirements of due process and the principles of natural justice. The mere issuance of a show-cause notice, without establishing its proper service and providing a reasonable opportunity

to the person concerned to respond, cannot be treated as compliance with the prescribed procedure.

10. That apart, this Court has consistently taken the view that the mere registration of a crime or an allegation that the person concerned has committed an offence cannot, by itself, be treated as conclusive proof of breach of a bond executed for maintaining good behaviour. Unless the alleged offence is established before the competent Court, the mere factum of registration of a crime cannot be treated as sufficient material, by itself, to conclusively hold that the petitioner has violated the conditions of the bond.

11. In the present case, the impugned action appears to have been initiated solely on the basis of the report submitted by the Station House Officer and the registration of a crime against the petitioner. In the absence of material demonstrating proper service of notice, an adequate opportunity of hearing, and a legally sustainable basis for recording a finding of breach of the bond, the order of commitment cannot be sustained. Consequently, the impugned warrant is liable to be set aside.

12. For the foregoing reasons, the Criminal Petition is allowed. The impugned warrant dated 09.10.2026, passed in M.C.No.11 of 2026 by the Executive Magistrate and Tahsildar, Narsampet Mandal, Warangal District, is hereby set aside. However, it is made clear that this order shall not preclude the competent authority from initiating appropriate

proceedings, if warranted, at the appropriate stage, strictly in accordance with the procedure prescribed by law.

13. In view of the setting aside of the impugned order and warrant, the petitioner shall be set at liberty forthwith. The Superintendent, Sub-Jail, Mahabubabad District, is accordingly directed to release the petitioner forthwith, unless his detention is required in connection with any other case or lawful order.

14. With these observations and directions, this Writ Petition is allowed. Miscellaneous Petitions, pending if any, shall stand closed.

N.TUKARAMJI, J

Date: 11.11.2026
mmr
Note: Issue C.C today.

1. Issue copy to:
(i) Principal District and Sessions Judge, Warangal, is directed to pursue the order for compliance.
(ii) Principal Judicial Magistrate of First Class, Narsampet.
(iii) Superintendent, Sub-Jail, Mahabubabad District.

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