IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No. 17936 OF 2026

(CNR No. HBHC010752262026)

DATE: 13.11.2026

Between :

Shoaib Malik

… Petitioner/Accused No.1

AND

The State of Telangana, Represented by its Public Prosecutor, High Court for the State of Telangana at Hyderabad.

… Respondent/Complainant.

ORDER

This Criminal Petition is filed under Section 482 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* (for short, "BNSS"), seeking the relief of pre-arrest bail.

2. The petitioner is arrayed as Accused No. 1 in Crime No. 998 of 2026 of Attapur Police Station, Ranga Reddy District, registered for the offences punishable under Sections 118(2), 109(1), 140(1) read with Section 3(5) of the *Bharatiya Nyaya Sanhita, 2023* (for short, "BNS").

3. Heard Mr. T.S. Anirudh Reddy, learned counsel for the petitioners and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor, appearing for the respondent-State.

4. The brief facts of the prosecution case are that the de facto complainant lodged a report stating that the injured is his younger brother and resides at Madhav Towers, Attapur. On 13.09.2026, at about 8:00 a.m., the de facto complainant received a phone call from the wife of the injured, informing him that the injured had been assaulted. It is alleged that, earlier, at about 2:30 a.m. on the same day, Accused No.1, along with Accused No.2, who is his driver, forcibly took the injured in their car to the vicinity of Pillar No.200, Attapur. Owing to previous family disputes and personal grudges, Accused No.1 allegedly assaulted the injured with a steel rod and attempted to strike him on the head. In an attempt to ward off the blow, the injured sustained a fracture to his right hand. Accused No.2 allegedly assaulted the injured on his legs with a baseball bat. It is further alleged that both the accused threatened to kill the injured and fled from the scene upon noticing some persons approaching. Thereafter, the injured was shifted to Care Hospital, Attapur, for treatment. Upon receiving the information, the de facto complainant rushed to the hospital and found his brother in an unconscious state with injuries. Based on the report lodged by him, a crime was registered. Subsequently, after recording the statement of the injured and obtaining the medical opinion, the Investigating Officer altered the

sections of law from Section 118(1) read with Section 3(5) of the BNS, to Sections 109(1), 140(1) and 118(2) read with Section 3(5) of the BNS, and submitted an alteration memo accordingly.

5.1. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present crime. The allegations levelled against him are stated to be vague and omnibus in nature, without attributing any specific overt act to him. It is further submitted that the first informant is not an eyewitness to the alleged incident and that the complaint was lodged solely on the basis of hearsay information allegedly received over a telephone call from the wife of the injured. According to the petitioner, there is no independent corroboration of the allegations made against him.

5.2. The petitioner further submits that he is a distant relative of the victim's family and that there was neither any previous enmity nor any specific motive for him to commit the alleged offences. Except for a bald allegation regarding an earlier family dispute, no specific material has been placed on record to substantiate the same. It is also contended that the injury sustained by the injured is on a non-vital part of the body, namely, the right hand. The petitioner submits that he is a businessman, has a permanent place of residence and has no criminal antecedents. There is no likelihood of his absconding, and he is ready and willing to cooperate with

the investigation and abide by any conditions that may be imposed by this Court. He further contends that Section 118(2) of the BNS was incorporated through the alteration memo without any additional material to substantiate the applicability of the said provision. On the aforementioned grounds, learned counsel seeks grant of anticipatory bail to the petitioner.

6.1. Per contra, learned Additional Public Prosecutor, while opposing the application, contends that the petitioner/Accused No.1 had developed enmity towards the victim/LW-2 and, pursuant to a pre-planned conspiracy, joined hands with Accused No.2 to take revenge against him. It is submitted that, on 13.09.2026, Accused Nos.1 and 2 arrived at Madhav Towers in a car and, at about 2:30 a.m., Accused No.1 picked up a quarrel with LW-2 and, along with Accused No.2, forcibly made him board their car. While Accused No.2 was driving the car, Accused No.1 allegedly restrained and assaulted LW-2 inside the vehicle and threatened him with dire consequences.

6.2. It is further submitted that, upon reaching Laxmiguda, Accused No.1 took out a steel rod from the car and threatened to assault LW-2 on his head. When LW-2 attempted to defend himself, he sustained an injury to his right hand. Thereafter, Accused No.2 allegedly assaulted LW-2 on his legs with a stick, with the intention of causing his death. On hearing the cries of the victim, some persons approached the spot, whereupon both the accused fled from the scene in their car.

6.3. Learned Additional Public Prosecutor further submits that, in view of the medical certificate indicating a grievous injury, the section of law was altered to Section 118(2) of the BNS by the Investigating Officer, and Sections 109(1) and 140(1) of the BNS were also added based on the statements of the witnesses. It is contended that the investigation is still in progress and that Accused No.2 has already been arrested. The allegations, according to the prosecution, disclose a pre-planned assault involving forcible abduction, wrongful restraint, criminal intimidation and the causing of grievous injury. It is further submitted that the custodial interrogation of the petitioner/Accused No.1 may be necessary for collecting further evidence and ascertaining the specific role played by him in the commission of the alleged offences. The prosecution also apprehends that, if granted pre-arrest protection, the petitioner may not cooperate with the investigation. On the aforementioned grounds, learned Additional Public Prosecutor seeks dismissal of the anticipatory bail application.

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

8. The specific allegations against the petitioner, namely, that he forcibly abducted the injured, assaulted him with a steel rod and attempted to strike him on the head, resulting in a fracture to his right hand, cannot be lightly brushed aside. The allegations are undoubtedly serious and disclose specific overt acts attributed to the petitioner. The medical opinion regarding

the grievous nature of the injuries, coupled with the statement of the injured, lends prima facie support to the prosecution case. Therefore, the contentions of the petitioner that the allegations are vague, that the de facto complainant is not an eyewitness and that the injury was sustained on a non-vital part of the body, do not, by themselves, constitute sufficient grounds for granting anticipatory bail.

9. Nevertheless, this Court cannot lose sight of the presumption of innocence and the fundamental right to personal liberty. The arrest of the petitioner must be justified by the legitimate requirements of the investigation. Although the prosecution contends that the petitioner's custodial interrogation is necessary for collecting further evidence and ascertaining his specific role, no specific material has been placed before this Court to demonstrate what particular information, recovery or discovery necessitates such custodial interrogation. Further, the petitioner claims to have a permanent place of residence and no criminal antecedents. The apprehensions expressed by the prosecution regarding his possible non-cooperation with the investigation or interference with witnesses can be addressed by imposing appropriate stringent conditions. In such circumstances, the interests of the investigation can be adequately safeguarded without necessarily depriving the petitioner of his personal liberty.

10. Having regard to the principles laid down by the Hon'ble Supreme Court in *Gurbaksh Singh Sibbia v. State of Punjab*, (1980) 2 SCC 565, and *Sushila Aggarwal v. State (NCT of Delhi)*, (2020) 5 SCC 1, this Court is of the considered opinion that, while the nature and gravity of the allegations are serious, they must be balanced against the necessity for custodial interrogation and the petitioner's right to personal liberty. In the absence of any specific material demonstrating the indispensability of custodial interrogation or indicating a reasonable likelihood of the petitioner absconding or tampering with evidence, this Court is inclined to extend the benefit of anticipatory bail to the petitioner, subject to the following conditions:

11. Accordingly, the Criminal Petition is allowed. The petitioner/Accused No. 1 shall be enlarged on anticipatory bail, subject to the following conditions:

(A) The petitioner/Accused No. 1 shall surrender before the Station House Officer, Attapur Police Station, Hyderabad, on or before 28.11.2026. Upon such surrender or in the event of arrest, the Station House Officer shall release the petitioner/Accused No. 1 on bail on execution of personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties for a like sum each, to the satisfaction of the said Officer.

(B) The petitioner/Accused No.1 shall appear before the Investigating Officer on every Tuesday and Saturday between 10:00 AM to 03:00 PM, for a period of ten (10) weeks from the date of his release on bail or until filing of the final result, whichever is earlier.

(C) The petitioner/Accused No. 1 shall remain available for interrogation as and when required by the Investigating Officer during the course of investigation and shall extend full cooperation with the Investigating Officer.

(D) The petitioner/Accused No. 1 shall strictly comply with all the conditions contemplated under Section 482(2) of the BNSS.

(E) The petitioner/Accused No. 1 shall furnish his complete residential address, mobile number and other contact particulars to the Investigating Officer and shall promptly intimate any change(s) therein.

(F) The petitioner/Accused No. 1 shall not directly or indirectly induce, threaten, influence, or promise any person acquainted with the facts of the case, nor shall he tamper with prosecution evidence in any manner whatsoever.

(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.

12. 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.

N.TUKARAMJI, J

Date: 13.11.2026
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