IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.17962 OF 2026

(CNR No. HBHC010753432026)

DATE: 05.11.2026

Between :

Munugoda Jaya 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.2 and 3 in Crime No.69 of 2026 on the file of Mangapet Police Station, Mulugu District, facing accusations under Sections 119(1), 85, 296(b), read with 3(5) of *Bharatiya Nyaya Sanhita, 2023* (for short 'BNS').

3. Heard Mr.R.A.Achuthanand, learned counsel for the petitioners, Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor, representing the respondent-State.

4. The prosecution case, in brief, is that the de facto complainant is the legally wedded wife of accused No.1 and that, owing to matrimonial disputes, they have been living separately. It is alleged that the de facto complainant, accompanied by her brother, cousin and other relatives, visited the house of accused No.1 with a view to taking her children back with her. At that time, accused No.1 and the petitioners herein allegedly forcibly took the children away from her, abused her in filthy language and questioned her as to why she had come there. They further allegedly threatened her by stating that she would not be permitted to meet the children. It is further alleged that petitioner No.1 assaulted her with hands and sticks, as a result of which she sustained injuries to her left hand and neck. The petitioners, along with the other accused, are also alleged to have threatened to take away her life if she did not agree to grant a divorce. Basing on the said report, the present crime came to be registered.

5.1. Learned counsel appearing for the petitioners submits that the petitioners are the in-laws of the de facto complainant and that they have been falsely implicated in the present case in connection with the alleged incident dated 29.04.2026. He contends that there was a delay of three days in lodging the complaint and that, even if the allegations contained therein are taken at their face value, they do not prima facie constitute an offence within the scope of Section 119(1) of the BNS. He further submits

that the alleged incident occurred against the backdrop of existing matrimonial disputes and an alleged incident was with a view to securing the consent of the de facto complainant for divorce. In this regard, he points out that, even prior to the alleged occurrence, accused No.1 had instituted proceedings seeking dissolution of marriage, which are pending before the Family Court, Malkajgiri, in F.C.O.P. No.88 of 2025. He further submits that, during the pendency of the said proceedings, the parties had entered into an understanding on 11.02.2025. According to learned counsel, the alleged demand for consent to divorce during the course of the incident, viewed in the context of the pending matrimonial proceedings and the understanding between the parties, does not satisfy the ingredients of the alleged offence.

5.2. Learned counsel further submits that the petitioners are aged about 63 and 73 years, respectively, and that, while a specific overt act is attributed to petitioner No.1, no overt act whatsoever is against the petitioner No.2. He also contends that the other offences alleged against the petitioners are punishable with imprisonment for a term of less than seven years. Nevertheless, the petitioners are ready and willing to cooperate with the investigation and to abide by any conditions that may be imposed by this Court. On the above grounds, learned counsel seeks grant of anticipatory bail to the petitioners.

6. Per contra, learned Additional Public Prosecutor opposes the petitions and submits that the involvement of the petitioners in the alleged occurrence has been specifically stated by the de facto complainant in her report. He further contends that specific overt acts have also been attributed to the petitioners and that their custodial presence may be necessary for the purpose of conducting an effective investigation. He submits that, as the investigation is still in progress, granting anticipatory bail to the petitioners may enable them to evade or fail to cooperate with the investigating agency. On these grounds, learned Additional Public Prosecutor prays for dismissal of the petitions.

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

8. The gravamen of the allegations against the petitioners is that they had involved in subjecting the de facto complainant to matrimonial cruelty and had allegedly participated in the incident dated 29.04.2026. At the outset, it is necessary to observe that the jurisdiction exercised by this Court while considering an application seeking anticipatory bail is essentially concerned with balancing the right to personal liberty of the petitioners against the legitimate requirements of a fair and effective investigation.

9. It is well settled that, while considering a prayer for anticipatory bail, the Court is required to undertake a prima facie assessment of the nature and gravity of the accusations, the specific role attributed to each petitioner, the circumstances in which the alleged offence is stated to have occurred, the possibility of the petitioners fleeing from justice or interfering with the investigation, and the necessity for their custodial interrogation. However, such consideration does not warrant a meticulous examination of the evidence or a conclusive determination of the truth or otherwise of the allegations. The Court must refrain from expressing any final opinion on disputed questions of fact or the ultimate culpability of the accused, as such matters fall within the domain of investigation and, eventually, trial.

10. In *Gurbaksh Singh Sibbia v. State of Punjab*, (1980) 2 SCC 565, the Constitution Bench of the Hon'ble Supreme Court held that the power to grant anticipatory bail is to be exercised on the basis of judicial discretion, having regard to the facts and circumstances of each case, without imposing rigid limitations upon the exercise of such jurisdiction. Subsequently, in *Sushila Aggarwal v. State (NCT of Delhi)*, (2020) 5 SCC 1, the Constitution Bench reiterated the importance of protecting personal liberty while ensuring that the grant of anticipatory bail does not prejudice a fair investigation or the administration of justice. Further the Hon'ble Supreme Court, in *Sumitha Pradeep v. Arun Kumar C.K.*, (2022) 17 SCC

391, has categorically held that the question of custodial interrogation is only one of the relevant considerations and that its perceived absence cannot, in isolation, justify the grant of anticipatory bail. The said principle was reiterated in *State of Andhra Pradesh v. N. Sanjay*, 2025 INSC 973.

11. In the present case, the allegations arise out of the matrimonial discord between accused No.1 and the de facto complainant. The specific allegations and the respective roles attributed to the petitioners will have to be examined by the investigating agency in the course of investigation. At this stage, this Court is not required to record any conclusive finding as to the veracity of the allegations or the actual involvement of the petitioners in the commission of the alleged offences. Any such observation may have the effect of prejudicing either side during the investigation or subsequent trial. Accordingly, the merits of the allegations are left open for consideration by the competent forum at the appropriate stage.

12. Having regard to the nature and gravity of the alleged offences, the specific allegations levelled against each of the petitioners, the circumstances surrounding the alleged occurrence, and their expressed willingness to cooperate with the investigation and in the absence of any specific and substantiated material demonstrating that the custodial interrogation of the petitioners is indispensable for the purpose of investigation, this Court is of the considered view that their apprehension of

arrest can be addressed by imposing appropriate conditions to secure their cooperation with the investigating agency, prevent any interference with the investigation and ensure their availability for further proceedings before the competent Court. Accordingly, subject to their strict compliance with such conditions, this Court is inclined to extend the benefit of anticipatory bail to the petitioners.

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

(A) The petitioners/accused Nos.2 and 3 shall surrender before the Station House Officer, Mangapet Police Station, Mulugu District, on or before 20.11.2026. 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 remain available for investigation as and when required by the Investigating Officer and shall cooperate fully with the investigation.

(C) 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.

(D) 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.

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

(F) 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.

14. 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: 05.11.2026
CHS

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.17952 OF 2026

DATE: 05.11.2026

CHS