IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.17985 OF 2026

(CNR No. HBHC010755422026)

DATE: 06.11.2026

Between :

MA Majid.

... Petitioner-accused No.5

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 petitioner is arrayed as the accused No.5 in Crime No.206 of 2026 on the file of CCC Naspur Police Station, Ramagundam District, facing accusations under Sections 91 and 93 of the *Bharatiya Nyaya Sanhita, 2023* (for short 'BNS').

3. Heard Mr.Kondadi Ajay Kumar, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor, representing the respondent-State.

4. The specific case of the prosecution against the petitioner/accused No. 5 is that, being fully aware that the pills were intended to be used for

the termination of pregnancy, he supplied abortion-inducing pills to accused No. 4. Accused No. 4, in turn, handed over the said pills to accused No. 3 for delivery to accused No. 1 and received a sum of Rs.600/- out of the consideration amount. Thus, according to the prosecution, the petitioner/accused No. 5 facilitated the alleged illegal termination of pregnancy by procuring and supplying the abortion-inducing pills, despite having knowledge of their intended use.

5. Learned counsel for the petitioner contends that the allegations levelled against the petitioner are false and that he has been falsely implicated in the present case. He further submits that, as per the prosecution's own case, accused Nos. 3 and 4, who are alleged to have been involved in the transaction, were arrested and subsequently enlarged on bail. The petitioner is stated to be working at Maheswari Mega Pharmacy, Mancherial, and is alleged to have supplied the abortion-inducing tablets. Learned counsel submits that, even if the said allegation is accepted at face value, the alleged act of the petitioner would, at best, amount to the sale or supply of drugs without an appropriate medical prescription, attracting the penal provisions of Section 40 of the Drugs and Cosmetics Act, which prescribes imprisonment for a term of three years. It is contended that the petitioner's alleged act of supplying the tablets, by itself, cannot be construed as sufficient to attract the offence of culpable homicide under Section 105 of the BNS, merely on the ground that he supplied the drugs. Learned counsel further submits that the petitioner is ready and willing

to cooperate with the investigating agency, participate in the investigation as and when required, and abide by any conditions that may be imposed by this Court. In the above circumstances, learned counsel prays that the petitioner be granted anticipatory bail.

6. Per contra, learned Additional Public Prosecutor strongly opposes the petition, contending that the allegations against the petitioner are specific and clearly disclose his involvement in the alleged offence. It is submitted that, among the persons working at the concerned pharmacy, the petitioner/accused No. 5 was the person who allegedly supplied the abortion-inducing pills. The prosecution further alleges that the petitioner was aware that the pills were intended to be administered to accused No. 1 for the termination of pregnancy. Therefore, according to the prosecution, the petitioner's role is not limited to the mere supply of drugs but constitutes active facilitation of the alleged offence. He further submits that the investigation is still in progress, that the petitioner is presently unavailable to the investigating agency, and that his custodial presence may be necessary for the purpose of conducting an effective and comprehensive investigation. On these grounds, the learned Additional Public Prosecutor prays for dismissal of the anticipatory bail petition.

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

8. The specific allegation against the petitioner is that he supplied abortion-inducing pills to accused No. 4, who allegedly passed them on

through the other accused, ultimately resulting in their consumption by accused No. 1 for termination of pregnancy. The prosecution further alleges that the petitioner was aware of the intended use of the pills and thereby facilitated the alleged offence. However, whether the petitioner possessed the requisite knowledge or intention, and whether his alleged conduct attracts the penal provisions invoked by the prosecution, are matters requiring investigation and appreciation of the relevant material. At this stage, this Court is not inclined to record any conclusive findings on these disputed aspects, as the same may prejudice the investigation or the petitioner in subsequent adjudication.

9. While considering a petition for anticipatory bail, the Court is required to balance the individual's right to personal liberty against the legitimate requirements of investigation, having regard to the nature and gravity of the accusation, the specific role attributed to the petitioner, the material collected, the stage of investigation, the necessity for custodial interrogation, and the possibility of absconding or tampering with evidence. In *Gurbaksh Singh Sibbia v. State of Punjab*, (1980) 2 SCC 565, and *Sushila Aggarwal v. State (NCT of Delhi)*, (2020) 5 SCC 1, the Hon'ble Supreme Court emphasised that the discretion to grant anticipatory bail must be exercised judiciously, having regard to the facts and circumstances of each case. Further, in *Pratibha Manchanda v. State of Haryana,* 2023 INSC 612, the Supreme Court reiterated the importance of examining the accused's specific role and the necessity for custodial interrogation.

10. Having regard to the nature of the allegations, the role attributed to the petitioner, the stage of the investigation, and his willingness to cooperate with the investigating agency, and in the absence of any material to indicate that custodial interrogation is indispensable, this Court is of the considered view that the petitioner's prayer for anticipatory bail deserves to be favourably considered, subject to appropriate conditions to ensure his cooperation with and availability for the investigation.

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

(A) The petitioner/accused No.5 shall surrender before the Station House Officer, CCC Naspur Police Station, Ramagundam District, on or before 21.11.2026. Upon such surrender or in the event of arrest the Station House Officer shall release him on bail on execution of a 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 shall appear before the Investigating officer on every Tuesday and Saturday between 10.00AM to 03.00PM, for a period of twelve (12) weeks from the date of his release on bail or until the filing of the final result, whichever is earlier.

(C) The petitioner shall remain available for investigation as and when required by the Investigating Officer and shall cooperate fully with the investigation.

(D) The petitioner shall furnish his complete residential address and contact details to the Investigating Officer and shall keep the same updated throughout the course of investigation.

(E) The petitioner shall not either directly or indirectly induce, threaten, influence, or contact any prosecution witness, nor shall he tamper with the prosecution evidence in any manner whatsoever.

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

(G) Any willful 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. Miscellaneous applications, if any pending, shall stand closed.

N.TUKARAMJI, J

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