IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No. 18042 OF 2026

(CNR No. HBHC010756942026)

DATE: 13.11.2026

Between :

Mehroze Atika and another.

… Petitioners/Accused Nos. 4 and 5

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 petitioners are arrayed as Accused Nos. 4 and 5 in Crime No. 240 of 2026 of Mirchowk Police Station, Hyderabad, registered for the offences punishable under Sections 109(1), 74, 351(2) read with Section 3(5) of the *Bharatiya Nyaya Sanhita, 2023* (for short, "BNS").

3. Heard Mr. Mohd. Muzaferullah Khan, 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 the de facto complainant lodged a report alleging sexual harassment, physical assault, criminal intimidation and matrimonial cruelty at the hands of her husband and in-laws. She alleged that Accused No.2, her father-in-law, had repeatedly subjected her to inappropriate sexual behaviour during the period when her husband was staying in Australia. In particular, on 10.03.2026, at about 03:00 AM, Accused No.2 allegedly entered her bedroom, touched her breasts and attempted to remove her dupatta, whereupon the other accused allegedly joined him in assaulting and abusing her.

4.2. It is further alleged that, on 18.09.2026, when she visited her matrimonial home seeking reconciliation in connection with the matrimonial dispute and the Talaq notice issued by her husband/Accused No.1, the accused assaulted her, slapped her and attempted to throttle her. Accused No.2 allegedly threatened to have her raped by Goondas and henchmen and attempted to tear her clothes, while the other accused allegedly facilitated the assault by holding her legs, assaulting and abusing her and spitting on her face. The de facto complainant allegedly lost consciousness

due to suffocation and was subsequently examined at a hospital, where an MLC was registered.

4.3. The de facto complainant further alleged that Accused No.1 had failed to address her complaints regarding his father's conduct, blocked communication with her and communicated Talaq to her over the telephone on 16.09.2026. The prosecution also alleges that, owing to the matrimonial disputes, the accused developed hostility towards her and conspired to eliminate her. On the basis of the aforesaid allegations, the crime was registered.

5.1. Learned counsel for the petitioners/Accused Nos.4 and 5 submits that the petitioners have been falsely implicated on account of the matrimonial disputes between the de facto complainant and Accused No.1. It is contended that the allegations levelled against the petitioners are general and omnibus in nature and do not disclose any specific overt acts or establish their individual involvement or intention to cause the death of the de facto complainant. Accordingly, the ingredients of Section 109(1) of the BNS are stated to be not attracted against them.

5.2. Learned counsel further submits that the CCTV footage dated 18.09.2026 establishes that the de facto complainant had never visited the petitioners' residence on the alleged date. It is also contended that the

Rapido travel records pertaining to petitioner No.1 establish her absence from the alleged place of occurrence. The complaint is further stated to have been lodged after an unexplained delay.

5.3. It is also submitted that the petitioners are unmarried students pursuing higher education, have permanent residence at Hyderabad and apprehend arrest on account of repeated visits by the police, which would adversely affect their education and career prospects. Learned counsel further points out that Accused Nos.2 and 3 have already been enlarged on bail and, therefore, the petitioners are entitled to the benefit of parity. The petitioners undertake to cooperate with the investigation and abide by any conditions that may be imposed by this Court. On these grounds, learned counsel seeks grant of anticipatory bail to the petitioners.

6.1. Learned Additional Public Prosecutor opposes the petition, contending that the allegations disclose the commission of serious offences. It is submitted that Accused No.2 had repeatedly subjected the de facto complainant to inappropriate sexual touching and had attempted to sexually assault her by entering her bedroom. Accused No.3 allegedly supported the conduct of Accused No.2 and, along with the petitioners, abused the de facto complainant in vulgar language, questioned her character and sent her to her parental home.

6.2. The prosecution further alleges that, following the matrimonial dispute and issuance of the *Talaq* notice, the accused developed hostility towards the de facto complainant, instigated Accused No.1 against her and conspired to eliminate her. It is specifically alleged that, on 18.09.2026, when the de facto complainant visited her matrimonial home seeking reconciliation, the petitioners, along with the other accused, caught hold of her, throttled her neck, slapped her and beat her with the intention of causing her death. However, she managed to escape by raising cries for help.

6.3. The learned Additional Public Prosecutor further submits that the investigation is still in progress and that further evidence is required to be collected. It is apprehended that, if the petitioners are enlarged on anticipatory bail, they may not cooperate with the investigation. On these grounds, the prosecution seeks dismissal of the petition.

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

8. The allegations levelled against the petitioners are serious and cannot be brushed aside at this stage. However, the gravity of the allegations, by itself, cannot be the sole ground for denying the relief of anticipatory bail. The investigation has already progressed to the extent of recording the

statements of witnesses, obtaining the medical certificate and arresting Accused Nos.2 and 3. The prosecution has not demonstrated any specific necessity for the custodial interrogation of the present petitioners. Nor is there any specific material on record to indicate that the petitioners are likely to abscond, tamper with the evidence or intimidate the witnesses. The contentions regarding the CCTV footage and Rapido travel records, though requiring verification during the course of investigation, are also relevant while assessing the necessity for custodial interrogation and cannot be altogether disregarded at this stage. Further, the fact that Accused Nos.2 and 3 have already been enlarged on bail is also a relevant consideration, subject to an assessment of the individual roles attributed to the petitioners. The petitioners have expressed their willingness to cooperate with the investigation and have undertaken to abide by the conditions that may be imposed by this Court.

9. In the aforesaid circumstances, this Court is of the considered view that the interests of the investigation can be adequately safeguarded by imposing appropriate conditions, without subjecting the petitioners to pre-trial arrest and thereby curtailing their personal liberty. Accordingly, this Court finds it appropriate to extend the protection of anticipatory bail to the petitioners, subject to such conditions as may be imposed.

10. Accordingly, the Criminal Petition is allowed. Petitioners/Accused Nos. 4 and 5 shall be enlarged on anticipatory bail, subject to the following conditions:

(A) Petitioners/Accused Nos. 4 and 5 shall surrender before the Station House Officer, Mirchowk 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 petitioners/Accused Nos. 4 and 5 on bail on execution of personal bonds 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) Petitioners/Accused Nos. 4 and 5 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.

(C) Petitioners/Accused Nos. 4 and 5 shall strictly comply with all the conditions contemplated under Section 482(2) of the BNSS.

(D) Petitioners/Accused Nos. 4 and 5 shall furnish their complete residential addresses, mobile numbers and other contact particulars to the Investigating Officer and shall promptly intimate any change(s) therein.

(E) Petitioners/Accused Nos. 4 and 5 shall not directly or indirectly induce, threaten, influence, or promise any person acquainted

with the facts of the case, nor shall they tamper with prosecution evidence in any manner whatsoever.

(F) Any wilful 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.

11. 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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