IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE JUSTICE B.R.MADHUSUDHAN RAO

CRIMINAL PETITION No.18028 of 2026

DATED: 11.11.2026

Between:
Dr.Dundi Swarna Kumari. …Petitioner – Accused Office No.1

And

The State of Telangana
Rep. by its Public Prosecutor,
High Court for the State of Telangana,
Hyderabad.
Through Deputy Superintendent
of Police, Anti-Corruption Bureau,
City Range-II Hyderabad. … Respondent-State

O R D E R

1. This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) praying this Court to enlarge the petitioner-AO1 on bail in connection with Crime No.30/RCT-CR-2/2026 of P.S. ACB-City Range-II, Hyderabad. The offences alleged against the petitioner- AO1 are punishable under Sections 7 (a), 7 (b) and Section 12 of the Prevention of Corruption Act, 1988 (amendment in 2018) read with Section 3(5) of BNS, 2023.

2. Heard Sri Balakrishna Mandapati, learned counsel for petitioner-AO1 and Sri Mohammed Nazeeruddin Khan, learned Counsel representing Sri T. Bala Mohan Reddy, learned Special Public Prosecutor for (ACB) for respondent .

3. Learned counsel for the petitioner submits that the prosecution itself admits that petitioner-AO1 was taken into custody on 05.10.2026 at the Collectorate, Rangareddy District, whereas the proceedings under Section 47 of the BNSS, drawn on 06.10.2026 at 6.00 am, expressly informs the petitioner-AO1 that she has been arrested, while separate arrest/Court surrender Form records the time of arrest as 8.00 am on 06.10.2026. If the petitioner-AO1 was merely taken into custody on 05.10.2026 and formally arrested only on the following Morning. Prosecution is required to explain the legal authority under which her personal liberty was restrained throughout the intervening night. If the statutory proceedings at 6.00 a.m., is read in accordance with its express language as recording that the petitioner-AO1 had already been arrested, the said timing preceeds sunrise at approximately 06.07 am on 06.10.2026. Arrest of the petitioner-AO1 being a woman would directly attract the safeguard under Section 43 (5) of BNSS, 2023. Petitioner-AO1 stands on a materially different footing from the accused from whom the alleged tainted amount is recovered. The recovery and sodium carbonate /phenolphthalein

material relied upon by the prosecution relates to other accused. Prosecution attempts to bridge the gap through the alleged statements of AO2 and AO3 and the incoming WhatsApp message sent by AO2 to the petitioner-AO1 mobile. The pendency of examining certain witness statements, the complainant's statement under Section 183 BNSS and collection of CDR cannot operate as an indefinite embargo upon liberty. Petitioner-AO1 is arrested and remanded to judicial custody on 06.10.2026. Petitioner-AO1 has no criminal antecedents and has a fixed and verifiable residence and presents no flight risk, she is a woman aged about 56 years, a Government Officer with an established identity and permanent residence. Counsel in support of his contention has relied on the decision in the case of Neeraj Dutta v. State (Government of NCT of Delhi)[1] and prayed enlarged the petitioner – AO1 on bail.

4. Respondent has filed his counter and contended that there is no illegality in the arrest of the Petitioner-AO1. The grounds of arrest were duly communicated and furnished to the Petitioner-AO1 in accordance with law. The allegation regarding inconsistency in arrest timings is misconceived. Petitioner-AO1 was taken into lawful custody during investigation and formally arrested after completion of mandatory procedural requirements. The arrest was effected strictly in accordance with the provisions of BNSS. The

[1] (2023) 4 SCC 731

plea relating to sunrise timings and Section 43 (5) of BNSS is untenable and does not vitiate the arrest. Mere absence of physical recovery from petitioner-AO1 does not absolve her from criminal liability. Investigation is at a crucial stage. Collection and analysis of evidence, examination of additional witnesses and corroboration of electronic material are still pending. Custodial detention continues to be necessary for ensuring a fair and unhindered investigation. The present case involves grave offences under Sections 7(a), 7(b) and 12 of Prevention of Corruption Act and Section 3 (5) of BNS 2023 involving Public Servants who abused official possession for obtaining undue advantage for improper performance of their public duties. Statement of the complainant under Section 183 is yet to be recorded and date is fixed as 12.11.2026. If the petitioner-AO1 is enlarged on bail, she is likely to impede the course of investigation as she is a Senior Officer and prayed to dismiss the petition.

5. G.Sachin Raj has lodged a complaint before ACB City Range-II, Hyderabad on 01.10.2026 at 10.30 hours about demand of bribe amount of Rs.5,00,000/- for returning the keys of physiotherapy centre. The DM&HO officials have demanded a bribe of Rs 5,00,000/- for returning the keys. The complainant was sent for verification. During the preliminary verification, complainant visited DM&HO Office, Ranga Reddy, met AO2 and

AO3 and the bribe amount finalized is from Rs.5,00,000/- to Rs.2,00,000/- after taking instructions from AO1 through phone call. Mediator proceeding No.1 is drafted in the office of the DSP ACB City Range –II, Hyderabad, presence of mediators from 9.40 hours to 10.40 hours on the above said date. On 05.10.2026 at about 11:45 hours, complainant went to DM&HO Office in his car, trap was laid and on questioning A4 regarding the complainant's version, A4 stated that as per the instructions of AO2, he has accepted the money today from the complainant. Basing on the said complaint, FIR No.30-RCT-CR-2 of 2026 is registered.

6. Petitioner-AO1, AO2-M Srinivas Rao, AO4-M Krishnaiah were arrested and remanded to judicial custody on 06.10.2026. Arrest memo served on the petitioner-AO1 shows the date, time and place of arrest as on 06.10.2026 at 8 hours in the office of the DSP, ACB, City Range-II, Hyderabad, situated at Manoranjan Complex, Nampally, Hyderabad. Arrest / Court surrender form of Petitioner-AO1 shows the date and time of apprehension of AO1 is on 05.10.2026 at 15:15 hours. Place of apprehension of AO1 is at the collectorate, Ranga Reddy situated at Kongara Kalam and date and time of arrest of AO1 is shown as 06.10.2026 at 8:00 hours. Place of arrest is shown as at the office of District Medical and Health Officer, Ranga Reddy. In the arrest / Court Surrender Form in column No.8, it is stated that the accused after being

informed of the grounds of arrest and his legal rights was duly taken into custody on 05.10.2026 at 15:15 hours at the Collectorate, Ranga Reddy situated at Kongara Kalan.

7. Proceedings under Section 47 of BNSS 2023 states that AO1 has been arrested under Section 7(a) and 7(b) of Prevention of Corruption Act 1988, read with Section 3 (5) of BNS of ACB, City Range-II, Hyderabad. Signature of AO1 showing the date as 06.10.2026 at 6:00 am. Petitioner counsel has filed sheet showing the sunrise and sunset timings in Hyderabad of 06:07, wherein the sunrise is 06:07-95% east.

8. Suspension letter of the petition-AO1 dated 08.10.2026 in G.O.Rt.No. 381, dated 08.10.2026 issued by Government of Telangana states that the trap was laid by the ACB officials on 05.10.2026 on the allegations of corruption against the petitioner-AO1. Petitioner-AO1 has filed Crl.M.P.164 of 2026 for grant of regular bail before the learned Special Court which came to be dismissed on 28.10.2026 wherein the learned Special Court observed that the grounds of arrest was duly furnished to AO1 at 6.00 am, which is procedural compliance and not the arrest itself. Furnishing grounds of arrest two hours prior to actual arrest is in consonance with the statutory guidelines under BNSS and reflects due respect to procedural safeguards. The actual arrest was effected at 8.00 am on 06.10.2026 which was after sunrise at 6.00

am. Hence there was no violation of Section 43 (5) of BNSS. Further, the accused officer was secured with the assistance of Woman Police Constable as duly recorded in the case diary.

9. The order of the Special Court dated 28.10.2026 states that accused officer was secured with the assistance of woman police constable as duly recorded in the case diary. Upon perusal of the remand case diary, at the time of production of AO1, AO2 and AO4 before the learned Special Court under a escort of one HC, two PCs of ACB, City Range – II and one woman PC by name Divya (WPC No.31642) of Gosha Mahall police station. During the course of arguments when this court has raised a query to the Special Public Prosecutor for the respondent about woman police at the time of arrest of AO1, in turn he stated that on instructions that woman constable was present at the time of arrest of AO1, record does not disclose the same that woman constable was present there at the time of arrest of AO1.

10. In Neeraj Dutta[1] Supreme Court observed at para No.88.1 (a), which reads as follows:

> "Proof of demand and acceptance of illegal gratification by a public servant as a fact in issue by the prosecution is a *sine qua non* in order to establish the guilt of the accused public servant under Sections 7 and 13 (1) (d) (i) and (ii) of the Act."

11. Proceedings under Section 47 of BNSS states about the information of arrest. Learned Special Public Prosecutor for the respondent on instructions submits that preparation of the post trap proceedings went on throughout the day/night from 05.10.2026 to 06.10.2026.

12. Mobile phone of the petitioner - AO1 is already recovered, which is in the possession of the ACB City Range – II, Hyderabad.

13. Recording of Section 183 BNSS statement of the complainant is scheduled on 12.11.2026.

14. The remand case diary goes to show that there is a conversation between the petitioner - AO1 and AO2 with regard to bribe amount. Remand case diary further goes to show that four witnesses are already examined and four more official witnesses were left over to record their statement who are official witnesses.

15. Standing Counsel has placed reliance on K. Madhusudan Reddy v. State of Telangana, represented by its Special Public Prosecutor, ACB[2], wherein the accused has challenged the arrest, the Special Court has remanded the accused on 09.02.2026, which is upheld by this Court. The said facts are completely different with the case on hand.

[2] Crl.P.No.3964 of 2026 dated 31.03.2026 High Court of Telangana

16. The decision cited by petitioner counsel in K. Vinay v. The State of Telangana[3] is in respect of the offence under Section 69 and 351 (BNS), whereunder the accused were enlarged on bail that statement of the victim under section 183 BNSS is yet to be recorded.

17. Petitioner - AO1 is in judicial custody since 06.10.2026, recording of Section 183 BNSS statement of the complainant is already fixed 12.11.2026, the rest of the witnesses to be examined by the prosecution are official witnesses. This Court is of the view that substantial portion of the investigation is completed, detaining the petitioner – AO1 further in judicial custody will not serve the purpose. Hence, the petitioner – AO1 is entitled to be enlarged on bail subject to following conditions:

i. The petitioner-AO1 shall execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only), with two sureties for a like sum each to the satisfaction of the learned Principal Special Judge for SPE&ACB Cases at Nampally, Hyderabad.

ii. The petitioner- AO1 shall appear before the concerned SHO between 10:00 a.m. and 5:00 p.m., on every Wednesday till filing of charge sheet.

iii The petitioner- AO1 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C. (presently, Section 480(3) of the BNSS).

[3] Crl.P.No.15323 of 2026 dated 05.10.2026 of High Court of Telangana

iv The petitioner- AO1shall not directly or indirectly influence, threaten, or induce any of the prosecution witnesses.

v In the event of violation of any of the above conditions, the prosecution is at liberty to file an application for cancellation of bail.

18. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

B.R.MADHUSUDHAN RAO, J

Date: 11.11.2026.

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THE HON'BLE SRI JUSTICE B.R.MADHUSUDHAN RAO

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