IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.18442 OF 2026

(CNR No. HBHC010764472026)

DATE: 16.11.2026

Between :

Shaik John Bee @ Janbi.

... Petitioner-accused No.1

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 accused No.1 in Crime No.259 of 2026 on the file of the Dammapet Police Station, Bhadradri-Kothagudem District, facing accusations under Sections 296(b), 308(5), 351(2) of the *Bharatiya Nyaya Sanhita, 2023* (for short 'BNS').

3. Heard Mr.P.V.Venkata Ravi Sankar, learned counsel for the petitioner, Mr.E.Ganesh, learned Additional Public Prosecutor, representing the respondent-State.

4. The prosecution case, in brief, is that on 12.10.2026, the de facto complainant lodged a report stating that he had borrowed a sum of Rs.50,000/- from the petitioner/Accused No.1 and had allegedly repaid a total sum of Rs.2,00,000/- in installments. It is further alleged that on 07.09.2026, at about 03.00 PM, the de facto complainant had kept an amount of Rs.90,000/- in the tank cover of his father's Bullet motorcycle bearing Registration No. TS 09 EB 9385 and went inside the house. At that time, the petitioner, along with the other accused, allegedly came to his house quarrelled with the de facto complainant and his family members, abused them and demanded repayment of the amount. In the course of the incident, the accused allegedly took away the motorcycle along with the cash kept in its tank cover. On the basis of the said report, the police registered a case against the accused.

5. Learned counsel for the petitioner submits that she has been falsely implicated in the present case and that the allegations, even if taken at face value, do not disclose the essential ingredients of the offence punishable under Section 308(5) of the BNS. He further contends that the alleged incident occurred on 07.09.2026, whereas the de facto complainant lodged the report only on 12.10.2026, without offering any satisfactory explanation for the delay. He submits that the allegations, at best, disclose an exchange of words and a quarrel between the parties, which do not constitute criminal intimidation under Section 351(2) of the BNS. He also disputes the allegation that any amount was kept in the

motorcycle's tank cover, contending that the same is fabricated to falsely implicate and harass the petitioner. Learned counsel further submits that the petitioner is a permanent resident with a fixed place of abode, is willing to cooperate with the investigation and abide by any conditions imposed by this Court, and that the motorcycle allegedly taken away during the incident has already been seized by the police. On these grounds, he prays that the petitioner be enlarged on anticipatory bail.

6. Per contra, learned Additional Public Prosecutor opposes the petition, contending that the allegations against the petitioner are specific and serious in nature. It is submitted that the petitioner, along with the other accused, allegedly took away the two-wheeler together with the cash kept in its tank cover. The learned Additional Public Prosecutor further submits that the amount allegedly kept in the tank cover of the motorcycle is yet to be recovered. It is also alleged that the petitioner and the other accused intimidated the de facto complainant by threatening to take away the lives of the de facto complainant and his family members, while carrying iron rods with them. It is further contended that the investigation is still at a nascent stage, the petitioner is not available to the investigating agency, and her custodial presence may be necessary for the purpose of effective investigation, particularly for ascertaining the circumstances surrounding the alleged incident and effecting recovery of the amount. In view of the nature and gravity of the allegations and the stage of the investigation, prays for dismissal of the petition.

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

8. The specific allegation against the petitioner is that, arising out of a loan transaction, she, along with the other accused, went to the house of the de facto complainant, demanded repayment of the loan, picked up a quarrel with him and his family members, and took away the motorcycle belonging to his father. It is not in dispute that the said motorcycle has already been seized by the police. However, the allegation that Rs.90,000/- was kept in the tank cover of the motorcycle and was taken away along with the vehicle remains disputed, the petitioner contending that the tank cover itself was taken away. The circumstances surrounding the alleged removal of the motorcycle, the tank cover and the cash require investigation.

9. At this stage, this Court is not required to conduct a meticulous examination of the rival claims or record findings on disputed questions of fact. Nevertheless, the nature and gravity of the accusations, the specific role attributed to the petitioner, the possibility of influencing witnesses or tampering with evidence, and the necessity for custodial interrogation are relevant considerations while deciding an application for anticipatory bail. Section 482 of the BNSS, empowers this Court to grant such relief subject to appropriate conditions. 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 held that anticipatory bail is a matter of judicial discretion to be exercised having regard to the facts and circumstances of each case, including the nature of the accusation, the role of the accused and the possibility of interference with the investigation. The principles laid down in *Siddharam Satlingappa Mhetre v. State of Maharashtra*, (2011) 1 SCC 694, also emphasise the need to balance individual liberty with the requirements of a fair and effective investigation.

10. In the present case, whether Rs.90,000/- was kept in the tank cover of the motorcycle, whether the petitioner and the other accused took away the said amount along with the vehicle, and whether their alleged conduct attracts the offences invoked are matters requiring investigation. In particular, the applicability of Section 308(5) of the BNS depends upon establishing the essential ingredients of extortion by putting a person in fear of death or grievous hurt and thereby dishonestly inducing delivery of property. Similarly, the applicability of Section 351(2) of the BNS requires examination of the ingredients of criminal intimidation under Section 351(1). Any conclusive finding on these aspects at this stage would be premature.

11. Having regard to the nature of the allegations, the role attributed to the petitioner, the seizure of the motorcycle and the absence of any demonstrated necessity for custodial interrogation, this Court is of the

considered view that the petitioner is entitled to the relief of anticipatory bail, subject to appropriate conditions to secure her cooperation with the investigation, prevent interference with witnesses or evidence, and ensure her availability for the investigation and subsequent judicial proceedings.

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

(A) The petitioner/accused No.1 shall surrender before the Station House Officer, Dammapet Police Station, Malkagiri District, on or before 01.12.2026. 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 remain available for investigation as and when required by the Investigating Officer and shall cooperate fully with the investigation.

(C) 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.

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

(E) The petitioner 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 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.

13. 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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