IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.18402 OF 2026

(CNR No. HBHC010771192026)

DATE: 16.11.2026

Between :

Munugoda Santosh.

... 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.69 of 2026 on the file of the 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.Agshare Srinivas Rao, 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 petitioner/accused No.1 and that, owing to matrimonial disputes, they have been living separately. It is alleged that, on the date of the incident, the de facto complainant, accompanied by her brother, cousin and other relatives, went to the petitioner's house to take her children back. At that time, the petitioner/accused No.1 and other accused allegedly forcibly took the children away, abused her in filthy language, questioned her presence and threatened that she would not be permitted to meet the children. It is further alleged that petitioner/accused No.1 assaulted her with hands and sticks, causing injuries to her left hand and neck, and that all three accused threatened to take her life if she did not agree to divorce. Based on her report, the present crime was registered.

5. Learned counsel for the petitioner submits that the petitioner, being the husband of the de facto complainant, has been falsely implicated in connection with the alleged incident dated 29.04.2026. He contends that the complaint was lodged with a delay of three days and that the allegations, even if taken at face value, do not prima facie attract Section 119(1) of the BNS. Further submitted that the incident arose out of subsisting matrimonial disputes and that the alleged demand for consent to divorce must be viewed in the context of the proceedings instituted by the petitioner before the Family Court, Malkajgiri, in F.C.O.P. No.88 of 2025, which are pending, and the understanding

allegedly arrived at between the parties on 11.02.2025. He further contends that no specific overt act constituting the offence under Section 119(1) of the BNS is attributable to the petitioner and that the other alleged offences are punishable with imprisonment of less than seven years. The petitioner is, however, ready to cooperate with the investigation and abide by any conditions imposed by this Court. Accordingly, learned counsel seeks grant of anticipatory bail.

6. Per contra, learned Additional Public Prosecutor opposes the petition, contending that the de facto complainant has specifically implicated the petitioner and attributed overt acts to him. He submits that the petitioner's custodial presence may be necessary for effective investigation and that, as the investigation is still in progress, granting anticipatory bail may enable him to evade the investigation or fail to cooperate with the investigating agency. He, therefore, seeks dismissal of the petition.

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

8. The gravamen of the allegations against the petitioner is that he subjected the de facto complainant, his legally wedded wife, to matrimonial cruelty and participated in the incident dated 29.04.2026. At the outset, it is to be observed that the jurisdiction of this Court under Section 482 of the BNSS is discretionary and must be exercised

judiciously, balancing the individual's right to personal liberty against the legitimate requirements of a fair and effective investigation.

9. 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 the applicant, the circumstances of the alleged occurrence, his antecedents, the possibility of his absconding or influencing witnesses, tampering with evidence and the necessity for custodial interrogation. These considerations must be evaluated in the context of the facts of each case. However, the Court is not required to undertake a detailed appreciation of the evidence or record any conclusive findings on the truth of the allegations or the culpability of the accused, as such matters fall within the domain of investigation and 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 must be exercised judicially, having regard to the facts and circumstances of each case, without imposing rigid limitations. The said principles were reiterated in *Sushila Aggarwal v. State (NCT of Delhi)*, (2020) 5 SCC 1, wherein the Constitution Bench emphasised the need to balance personal liberty with the interests of investigation and recognised the power of the Court to impose appropriate conditions while granting anticipatory bail. Further, in *State of Andhra Pradesh v. N.*

Sanjay, 2025 INSC 973, emphasising that the necessity for custodial interrogation is only one of the relevant considerations and must be assessed along with the other circumstances of the case, without undertaking a detailed examination of the prosecution material.

11. In the present case, the allegations arise out of matrimonial discord between the petitioner and the de facto complainant. While the petitioner relies upon the pending matrimonial proceedings seeking dissolution of marriage and the understanding allegedly arrived at between the parties, the prosecution attributes specific overt acts to him in connection with the incident dated 29.04.2026. The rival contentions and the respective roles of the accused are matters for investigation. At this stage, this Court is not inclined to record any finding regarding the veracity of the allegations or the petitioner's culpability. It is also observed that the matrimonial nature of the dispute, by itself, neither discredits the complaint nor determines the petitioner's entitlement to anticipatory bail. All contentions on merits are accordingly left open for consideration at the appropriate stage.

12. Having considered the nature and gravity of the alleged offences, the specific allegations and overt acts attributed to the petitioner, the circumstances of the occurrence and his willingness to cooperate with the investigation and as the prosecution has not placed any specific material demonstrating that the petitioner's custodial interrogation is

indispensable for an effective investigation, this Court is of the considered view that the petitioner's apprehension of arrest can be addressed by imposing appropriate conditions to secure his cooperation, prevent interference with the investigation and ensure his availability for further proceedings.

13. Accordingly, this Court is inclined to extend the benefit of anticipatory bail to the petitioner, subject to strict compliance with the conditions stipulated hereunder.

(A) The petitioner/accused No.1 shall surrender before the Station House Officer, Mangapet Police Station, Mulugu 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.

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

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mmr

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