

KARC060004882026



IN THE COURT OF III-ADDL. DIST. & SESSIONS JUDGE, RAICHUR, SITTING AT
SINDHANUR.

Crl. Misc. No.5219/2026

PRESENT: Sri. B.B.Jakati
B.A., LL.M.,

III-Addl. Dist. & Sessions Judge, Raichur,
Sitting at Sindhanur.

Dated this the 10th day of June, 2026

PETITIONERS:-

Cherukuru Hemanth Ajay, S/o.Cherukuru Laxman Rao,
33 years, Current R/o.No.1205, 11th St Apt 111, West
Desmoines, Iowa, United States of America.

(Accused No.4 as per FIR)
(By Shri Nagaraja, Adv.,)

// Versus //

RESPONDENT:-

The State through SHO, Turvihall Police Station,
Dist. Raichur.

(Through learned Public Prosecutor)

ORDER

This petition is filed under Section **483 (1)(b) of BNSS**, with the following
prayers;

1. Modify condition No.1 of the Order dated 29.1.2026 passed in Criminal Miscellaneous Petition No.5007/2026, by permitting the petitioner's legally authorized Special Power of Attorney (SPA) holder to execute the personal bond and furnish surety on his behalf, or as this Hon'ble court deems fit and proper;

2. Modify condition No.5 of the Order dated 29.1.2026 passed in Criminal Miscellaneous Petition No.5007/2026, by directing the Investigation Officer of Turvihal police station to issue notices via email to the petitioner (Accused No.4) and conduct his necessary questioning, verification, or interrogation of the petitioner strictly through Video Conferencing (VC) / Virtual Mode platforms;

3. Pass such other order or direction as this Hon'ble Court may deem fit in the facts and circumstances of the case, to meet the ends of justice and equity.

2. The respondent / police registered case in Cr.No.202/2025 against accused No.1/Cherukuru Laxman Raod, accused No.2/Cherukuru Bhavani, accused No.3/Cherukuru Neelima Chowdari and accused No.4/Cherukuru Hemanth Ajay for the offences punishable u/Ss.189(2), 191(2), 191(3), 329(4), 352, 115(2), 118(1), 109, 309(4), 74, 49, 351(2), 351(3), 190 of BNS and u/Ss.3(1) (r), 3(1) (s), 3(2) (v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989. Apprehending the arrest, accused No.1 to 4 filed Crl.Misc.No.5007/2026 before this court for anticipatory bail. On 29.1.2026, the said petition was allowed on merit and the operative portion of the order is as under;

The petition filed under Sec.482 of BNSS, is hereby allowed.

The **Turvihal** Police is hereby directed to release the petitioners on anticipatory bail in the event of their arrest in Cr.No.**202/2025**, on executing personal bond for a sum of Rs.50,000/- each with one surety for the like-sum, subject to the following conditions;

1. They shall surrender before this court within 15 days from the date of this order and execute personal & surety bonds.

2. They shall furnish ID proof of themselves and surety.
3. They shall co-operate with investigation.
4. They shall not tamper or threaten the prosecution witnesses.
5. If the Investigation Officer intends to interrogate the petitioners, he shall send the notice to the petitioners through mail well in advance and on the date fixed by the Investigation Officer, the petitioners shall appear before the Investigation Officer and co-operate with the investigation.

3. The petitioner, who is arrayed as accused No.4 in the FIR, has filed the present petition seeking modification of Condition Nos.1 and 5 imposed in the order dated 29.01.2026 passed in Crl. Misc. No.5007/2026. It is contended in the petition that the petitioner is presently residing in the United States of America and is employed with Talent9 Inc. According to him, frequent travel from the USA to India would have serious professional consequences and may result in the loss of his employment. It is further contended that his physical presence at his workplace in the USA is indispensable and, therefore, compliance with Condition No.5 is practically impossible. The petitioner has expressed his willingness to appoint a Special Power of Attorney holder to appear before the Court and execute the personal bond on his behalf. He has also requested that his interrogation, if required, be conducted through virtual mode instead of insisting upon his physical presence. On these grounds, it is prayed that, in view of the special and supervening circumstances, the conditions imposed by this Court be suitably modified.

4. The prosecution has filed objections opposing the petition. It is contended that, as per the terms of the bail order, the petitioner is required to personally appear before the Court and execute the bail bond along with his

sureties. According to the prosecution, a Special Power of Attorney holder cannot be permitted to execute the personal bond on behalf of the petitioner. It is further contended that the petitioner has failed to comply with the conditions of the bail order within the stipulated period and has thereby violated the directions issued by the Court. The prosecution apprehends that, if the conditions are modified, the petitioner may not appear before the Court during the course of trial. On these grounds, it is prayed that the petition be rejected and appropriate directions be issued for seizure of the petitioner's passport and visa.

5. The learned counsel for the petitioner has vehemently argued that the petitioner is employed with Talent9 Inc., a company based in the United States of America, and that his employer is not permitting him to travel to India. The petitioner's continuous presence at his workplace in the USA is essential and that any prolonged absence may jeopardize his employment. Therefore, Condition Nos.1 and 5 imposed in the bail order are harsh and impracticable in the facts and circumstances of the case. Therefore, the petitioner may be permitted to execute the bail bond through his Special Power of Attorney holder and that the Investigating Officer may be directed to conduct the petitioner's interrogation through virtual mode. In support of this argument, the learned counsel for the petitioner has cited the following judgements of the Hon'ble Supreme Court; 1) (2009) 4 Supreme Court Cases 45 (Munish Bhasin and Others Vs., State (Government of NCT of Delhi) and Another), 2) (2003) 4 Supreme Court Cases 601 (State of Maharashtra Vs., Dr.Praful B.Desai) and 3) (2020) 10 Supreme Court Cases 77 (Parvez Noordin Lokhandwalla Vs., State of Maharashtra and Another).

6. The learned Public Prosecutor has argued that this Court, while granting anticipatory bail to the petitioner, specifically directed him to personally appear before the Court and execute a personal bond as well as the bonds of his

sureties. The Court had also directed the petitioner to cooperate with the investigation. In order to secure his appearance and ensure effective investigation, Condition Nos.1 and 5 were imposed in the bail order. The said conditions are neither harsh nor unreasonable, but are necessary and lawful conditions ordinarily imposed while granting anticipatory bail. The grounds urged by the petitioner for modification of the bail conditions are not sustainable in law. The petitioner, despite obtaining the benefit of anticipatory bail, has failed to comply with the conditions imposed by the Court and is deliberately avoiding compliance without any justifiable reason. The physical presence of the petitioner before the Investigating Officer is essential for the purpose of effective investigation and interrogation. Therefore, permitting the petitioner to avoid personal appearance would seriously prejudice the investigation. On these grounds, the learned Public Prosecutor has prayed that the petition for modification of the bail conditions be dismissed.

7. I have carefully perused the records.
8. The points that arise for my consideration are;
 1. Whether the petitioner / accused can be permitted to appear before the court through Special Power of Attorney Holder for execution of personal bond and to furnish surety on his behalf by modifying the condition No.1 of the order in Crl.Misc.No.5007/2026?
 2. Whether the Investigation Officer can be directed to interrogate the petitioner through Video Conferencing / Virtual Mode Platforms?
9. My finding to the above points is in the negative for the following;

:: REASONS ::

10. **Point No.1 and 2:-** It is on record that case in Cr.No.202/2025 has been registered against the petitioner along with accused No.1 to 3 for the offences u/Ss. 189(2), 191(2), 191(3), 329(4), 352, 115(2), 118(1), 109, 309(4), 74, 49, 351(2), 351(3), 190 of BNS and u/Ss.3(1) (r), 3(1) (s), 3(2) (v) of the SC/ST (POA) Act. Accused No.1 to 4 have approached this court for anticipatory bail and the anticipatory bail has been granted in Crl.Misc.No.5007/2026. Totally 5 conditions have been imposed on the petitioner at the time of granting anticipatory bail which are narrated above.

11. The Hon'ble Supreme Court in (2009) 4 SCC 45 in para-12 held as under;

12. While imposing conditions on an accused who approaches the court under Section 438 of the Code, the court should be extremely chary in imposing conditions and should not transgress its jurisdiction or power by imposing the conditions which are not called for at all. There is no manner of doubt that the conditions to be imposed under Section 438 of the Code cannot be harsh, onerous or excessive so as to frustrate the very object of grant of anticipatory bail under Section 438 of the Code.

12. Whether condition No.1 and 5 of the bail order passed by this court are harsh, onerous or excessive so as to frustrate the very object of grant of anticipatory bail or not is to be examined.

13. To decide this aspect of the matter, it is relevant to refer the following provisions of BNSS:

Sec.2. Definitions.- (1) In this Sanhita, unless the context otherwise

requires, -

(b) “bail” means release of a person accused of or suspected of commission of an offence from the custody of law upon certain conditions imposed by an officer or Court on execution by such person of a bond or a bail bond;

(d) “bail bond” means an undertaking for release with surety;

(e) “bond” means a personal bond or an undertaking for release without surety;

14. Sec.480. When bail may be taken in case of non-bailable offence.-

(3) When a person accused or suspected of the commission of an offence punishable with imprisonment which may extend to seven years or more or of an offence under Chapter VI, Chapter VII or Chapter XVII of the Bharatiya Nyaya Sanhita, 2023, or abetment of, or conspiracy or attempt to commit, any such offence, is released on bail under sub-section (1), the Court shall impose the conditions,-

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter;

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected; and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence,

and may also impose, in the interests of justice, such other conditions as it considers necessary.

15. The object of granting anticipatory bail is to protect a person from unnecessary humiliation and harassment arising out of arrest, while at the same time ensuring his availability for investigation and his appearance before the Court whenever required. Keeping this object in mind, this Court imposed Condition Nos.1 and 5 in the bail order referred to above. These conditions were imposed to secure the presence of the petitioner before the Investigating Officer for the purpose of investigation and to ensure his appearance before the Court during the course of investigation, inquiry, and trial. These conditions are in conformity with the conditions of Sec.480(3) of BNSS. Therefore, Condition Nos.1 and 5 cannot be termed as harsh, onerous, or excessive so as to frustrate the very purpose of granting anticipatory bail. In this view of the matter, the decisions relied upon by the petitioner are of no assistance to him. Accordingly, I hold that the conditions imposed in the bail order are reasonable, lawful, and mandatory.

16. Anticipatory bail was granted to the petitioner on 29.01.2026. As per the said order, he was required to surrender before this Court within fifteen days. Admittedly, he did not surrender before the Court within the stipulated period. He also did not approach this Court within the said period seeking modification of the conditions imposed in the bail order. The present petition came to be filed only on 22.05.2026. Thus, the petitioner remained silent from 14.02.2026 till 22.05.2026 and took no steps either to comply with the conditions or to seek their modification. The records, therefore, clearly disclose violation of the conditions of the bail order by the petitioner.

17. The explanation offered by the petitioner for non-compliance of the bail conditions is that he is residing in the United States of America for his

employment and that, if he travels to India, he may lose his job. According to him, his continuous physical presence at his workplace in the USA is essential. The question that arises is whether these grounds are sufficient to warrant modification of the bail conditions. The petitioner has produced a letter dated 21.04.2026 issued by Talent9 Inc. In the said letter, it is stated that the petitioner is employed with the company and that his continuous presence in the USA is necessary. It is further stated that any disruption caused by international travel, including the possibility of delayed or denied re-entry into the United States, would adversely affect his ability to discharge his duties and may even result in termination of his employment. However, the said letter was obtained only on 21.04.2026, i.e., long after the expiry of the period prescribed under Condition No.1 of the bail order. The petitioner has not demonstrated that he made any effort to comply with the bail conditions before obtaining the said letter. This circumstance further indicates that the petitioner violated the conditions of the bail order without sufficient cause.

18. The criminal justice system in India does not permit an accused or suspect in a criminal case to appear before the Investigating Officer or the jurisdictional Court through a power of attorney holder. Therefore, the prayer seeking modification of Condition No.1 runs contrary to the well-established principles governing criminal proceedings. The proceedings against the petitioner arise out of a criminal case and not a civil dispute. An accused person cannot substitute his personal appearance by appointing a power of attorney holder. The liability of an accused in criminal proceedings is purely personal. He is required to appear before the Court, face the proceedings, and execute the necessary bonds to secure his attendance during investigation, inquiry, and trial. It is with this object that Condition No.1 was imposed. Therefore, the prayer seeking permission to execute the bond through a Special Power of Attorney holder is not sustainable in law and deserves to be

rejected.

19. The Hon'ble Supreme Court in (2003) 4 SCC 601 considered the question whether evidence in a criminal trial can be recorded through video conferencing. The Hon'ble Supreme Court held that the presence of an accused before the Court may, in appropriate cases, be secured through video conferencing to satisfy the requirements of Sec.273 of the Code of Criminal Procedure. It was further held that the evidence of witnesses may also be recorded through video conferencing. In the present case, however, the question is entirely different, namely, whether the Investigating Officer can be directed to interrogate an accused through video conferencing. The principles laid down in the aforesaid decision do not govern the issue involved in the present case and cannot be relied upon for directing the Investigating Officer to conduct interrogation through virtual mode.

20. The Investigation against the petitioner is still in progress in respect of the offences alleged in the FIR. Chapter XIII of the Bharatiya Nagarik Suraksha Sanhita confers various powers upon the police authorities to conduct investigation. As part of such powers, the Investigating Officer is entitled to require the presence of the accused for the purpose of interrogation and questioning. The power of the Investigating Officer to interrogate the accused is a recognized component of the investigative process. The BNSS was enacted in the year 2024 after taking into consideration contemporary technological developments. Even then, the legislature has not conferred any right upon an accused to insist that interrogation be conducted through video conferencing or any virtual platform. The statutory powers vested in the Investigating Officer for conducting investigation cannot be curtailed by directing that the petitioner be interrogated only through virtual mode. Therefore, I am of the opinion that no grounds are made out for modification of Condition No.5 of the bail order.

21. The Hon'ble Supreme Court in (2020) 10 SCC 77 relaxed a condition restraining an accused from travelling abroad and permitted such travel for a specified period, subject to appropriate safeguards and a direction to appear before the Court thereafter. In the present case, however, the petitioner is seeking complete exemption from personally appearing before the Court as well as before the Investigating Officer. Such a blanket exemption cannot be granted, as no such procedure is contemplated under the BNSS. Having regard to the facts and circumstances of the present case, the principles laid down in the aforesaid decision are not applicable.

22. For the foregoing reasons, I am of the considered opinion that none of the prayers made by the petitioner are sustainable in law. The records indicate that the petitioner has filed the present petition only with a view to avoid his personal appearance before the Investigating Officer and the Court. Accordingly, I answer both the points under consideration in the negative and proceed to pass the following:

ORDER

The petition filed by petitioner/accused u/S.483 (1)(b) of BNSS, is rejected.

(Dictated to the Steno Grade-I, transcribed by her, corrected, signed and then pronounced by me in the open court, on this the 10th day of June, 2026.)

(B. B. Jakati)

III Addl. District & Sessions Judge,
Raichur, Sitting at Sindhanur.