

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

AND

THE HONOURABLE JUSTICE B.R.MADHUSUDHAN RAO

I.A.No.1 OF 2026

IN

CRLA NO: 67 OF 2026

Between

Borakunta Tarun, S/o Shyam Rao

...Appellant/Accused No.1

(Appellant in CRLA NO: 67 OF 2026
on the file of High Court)

AND

The State of Telangana,, Represented through its Public Prosecutor, High Court, At
Hyderabad.

...Respondent/Respondent

(Respondent in-do-)

Counsel for the Petitioner: SRI M V HANUMANTHA RAO

**Counsel for the Respondent: SRI M. RAMACHANDRA REDDY, ADDL. PUBLIC
PROSECUTOR**

Application under Section 430(1) of B.N.S.S. praying that in the circumstances stated in the Interim Bail Application, , the High Court may be pleased to suspend the operation of the sentence passed in the judgment passed in S.C. No. 07 OF 2024 dated 04.12.2025 on the file of the learned Principal Sessions Judge, Asifabad District, convicting the Appellant/A1 sentencing him to undergo Rigorous Imprisonment for life which means for the remainder of the Accused's Natural Life and to pay a fine of Rs. 10,000/- only in default of payment of fine to suffer Rigorous Imprisonment for a period of six months for the offence punishable U/s 302 R/w 34 IPC; further sentence to undergo Rigorous Imprisonment for a period of one year and to pay fine of Rs. 1000/- and in default of payment of fine to suffer Rigorous Imprisonment for a period of one month for the offence punishable U/s 448 of IPC; further Accused No.1 is sentenced to undergo Rigorous Imprisonment for a period of three years and to pay fine of Rs. 2000/- , in default of payment of fine to suffer Rigorous Imprisonment for a period of two months for the offence punishable U/s 354 — D IPC; further A1 is sentenced to undergo Rigorous Imprisonment for a period of seven years and to pay fine of Rs/- 5000 and in default of payment of fine to suffer Rigorous imprisonment for a period of three months for the offence punishable U/s 506 of IPC; further A1 is sentenced to undergo Rigorous Imprisonment for a period of seven years and to pay a fine of Rs 5000/-, in default of payment of fine amount to suffer Rigorous Imprisonment for a period of three months for the

offence punishable U/s 232 of the Bharatiya Nyaya Sanhita, 2023; And further A1 is sentenced to undergo Rigorous Imprisonment for a period of seven years and to pay fine of 5000/- in default of payment of fine to suffer Rigorous Imprisonment for a period of three months for the offence punishable U/s 351 (2) (3) of Bharatiya Nyaya Sanhita 2023; total fine of 28.000/- imposed against Appellant/ A1, and enlarge the petitioner/ appellant on bail;

The Court made the following

ORDER:

Heard Sri M.V.Hanumantha Rao, learned counsel for the petitioner/Appellant and Sri M. Rama Chandra Reddy, learned Additional Public Prosecutor.

This application is filed seeking to suspend the sentence passed on 04.12.2025 in S.C.No.07 of 2024 by the learned Principal Sessions Judge, Asifabad, and grant bail to the petitioner herein, pending disposal of the appeal.

The petitioner herein is Accused No.1 in S.C.No.07 of 2024. Vide impugned judgment dated 04.12.2025, learned trial Court, convicted the petitioner for the offences under Sections 448, 354-D, 506,302 read with 34 of IPC and Sections 232 and 351(2)(3) of the BNS,2023 and sentenced him to undergo Life Imprisonment.

According to the prosecution, the petitioner stalked P.W.2 and harassed her under the pretext of love, though she expressed disinterest. He also threatened that he will kill the entire family of P.W.2. P.W.1 is mother of the deceased and P.W.2. She has specifically deposed that she admonished A.1 not to repeat such harassment against P.W.2. Even then, the petitioner herein continued the harassment, due to which she sent P.W.2 to her elder daughter's house in Tosham village of Adilabad District. A.1 went to that place also and harassed her. P.W.2 also deposed in the same lines.

P.W.3 – resident of same village, stated that on 12.06.2025 at about 8.30 p.m. while she was seated on the pial in front of her house, the petitioner herein and A.2 in the state of intoxication quarreled with each other, A.2 demanded A.1 that he helped to A.1 in killing Uday Kiran/the deceased by throttling his neck but the petitioner herein did not pay the promised money for killing the deceased. During the cross-examination, she has categorically admitted that A.1 and A.2 never engaged in any offending conversation on 12.06.2023 at 8.30 p.m. in the state of intoxication.

P.W.11 – Doctor, who conducted autopsy over the dead body of the deceased gave his opinion that the cause of death is due to respiratory failure due to asphyxia caused by throttling.

On consideration of the said evidence, both oral and documentary, the Trial Court convicted the petitioner/A.1 for the aforesaid offences and sentenced him to undergo Life Imprisonment.

Thus, prima facie, there are specific overt acts against the petitioner herein/Accused No.1. The offences committed by the petitioner herein/Accused No.1 are serious and grave in nature. Analysis of evidence of witnesses while considering bail application is impermissible as held by the Hon'ble Supreme Court in Omprakash Sahni v. Jai Shankar Chaudhary [(2023) 6 SCC 123]. The contentions/grounds raised by the petitioner in this application can be considered at the time of hearing the appeal.

In the light of the same, this Court is not inclined to grant bail to the petitioner herein/Accused No.1 and this application is liable to be dismissed and is dismissed.

C. DEEPIKA
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Sessions Judge, at Asifabad.
2. The Superintendent, Central Prison, Cherlapalli, Medchal-Malkajgiri.
3. One CC to Sri M.V. HANUMANTHA RAO, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. One spare copy

HIGH COURT

**KL, J
&
BRMR, J**

DATED: 29-06-2026

LIST ON 19-08-2026

ORDER

**I.A.No. 1 OF 2026
IN
CRLA NO: 67 OF 2026**

DISMISSING THE I.A.

