

**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT
HYDERABAD**

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.8746 of 2026

DATE: 22.06.2026

Between:

Shabaz Khan @ Shaibaz Khan and another
...Petitioners/accused Nos.1 and 2

AND

The State of Telangana,
Rep. by its Public Prosecutor,
High Court at Hyderabad and another.

...Respondents

ORDER

This Criminal Petition is filed before this Court for grant of bail to the petitioners who are arrayed as accused Nos.1 and 2 in FIR No.93 of 2026 of Nizamabad VI Town Police Station, Nizamabad District, registered for the offences punishable under Sections 64, 336(3), 337 r/w 339, 49, 351(2) r/w 3(5) of the BNS and Section 5(1) r/w 6 and 16 r/w 17 of the POCSO Act and Sections 9, 10 and 11 of the Prohibition of Child Marriage Act.

2. The case of the prosecution is that, on 11.04.2026, the de-facto complainant lodged a report before the police stating that on 01.01.2026, her mother and father solemnized her marriage with

A.2, though she had not yet to marriage age, after that her husband and in-laws started harassing her mentally and physically by quarrelling with her in petty issues, after few days, of her marriage, her brother-in-law i.e. A.1 herein entered her bedroom and forcibly sexually assaulted her, she brought the matter before her husband, her aunty and her uncle, but they convinced her and advised her to continue the relation with her brother-in-law, if disclosed the matter to anyone, they will disgrace her honor, then she did not disclosed to anyone. On 04.03.2026, she went to her parent's house although her brother-in-law went there and sexually assaulted her, from few days and she tried to inform the matter to her parents but she did not forwarded with fear, but a few days ago she got stomach pain, then she tested with pregnancy kit and noticed that she had become pregnant, then she informed the matter to her mother. Hence, the complainant requested to take necessary action. Basing on the said complaint, the police registered a case for the above said offences.

3. Heard Sri Alluri Divakar Reddy, learned counsel appearing on behalf of the petitioners as well as Sri D. Arun Kumar, learned Additional Public Prosecutor appearing for the respondents.

4. Learned counsel for the petitioners submitted that the petitioners are innocent of the said allegations and they are falsely implicated in the present case and there are in jail since 30.04.2026 and the material part of the investigation was already

completed. Therefore, he prayed the Court to grant bail to them by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioners stating that the allegations against the petitioners herein are serious and heinous in nature. Further, the investigation is not yet completed. At this stage, if the petitioners are granted bail, there is every chance of threatening the victim. Therefore, he prayed the Court to dismiss the criminal petition.

6. In the light of the submissions made by both the learned counsel and upon perusal of the material available on record, it appears that the petitioners herein are in jail since 30.04.2026. As seen from the remand case diary, the prosecution witnesses, LWs 1 to 16 have already been examined. Further, the statement of the victim under 183 of the BNS was already recorded on 25.04.2026. Considering the facts and circumstances of the case, the nature of the allegations, the stage of investigation, the duration of incarceration, this Court finds it appropriate to grant bail to the petitioners, subject to the following conditions:

- i. The petitioners shall execute a personal bond for a sum of Rs.25,000/- each (Rupees Twenty Five Thousand only), with

two sureties for a like sum each to the satisfaction of the learned II Additional Judicial Magistrate of First Class, at Nizamabad.

- ii. The petitioners shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation, and thereafter, as and when required.
- iii. The petitioners shall abide by the conditions stipulated in Section 437(3) of Cr.P.C. (presently, Section 480(3) of the BNSS).

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

Date: 22.06.2026
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K. SUJANA, J

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