

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

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No. 9303 OF 2026

DATE: 29.06.2026

Between :

Rathlavath Roja and five others

... Petitioners/Accused Nos. 3 to 8

AND

The State of Telangana, through S.H.O., Veldanda Police Station, Nagarkurnool District, Represented by Public Prosecutor, High Court for the State of Telangana at Hyderabad.

... Respondent.

ORDER

This Criminal Petition is filed under Section 482 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* (for short, "BNSS"), seeking the relief of anticipatory bail.

2. The petitioners are arrayed as Accused Nos. 3 to 8 in FIR No. 62 of 2026 of Veldanda Police Station, Nagarkurnool District, registered for the offences punishable under Sections 109, 329(4), 324(5) read with Section 3(5) of the *Bharatiya Nyaya Sanhita, 2023* (for short, "BNS").

3. Heard Mr. J.C. Francis, learned counsel, argued on behalf of Mr. Kasthuri Surender, learned counsel for the petitioners and

Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor, representing the respondent-State.

4.1. Briefly stated, the prosecution case is that, owing to long-standing animosity arising out of the death of one Rathlavath Raju in the year 2024, the family members of the deceased, including the present petitioners, developed suspicion against the de facto complainant. It is alleged that, on account of such suspicion, the de facto complainant was compelled to leave the village, during which period the accused persons allegedly caused damage to his residential house and tractor.

4.2. According to the prosecution, on 30.03.2026, when the de facto complainant returned to the village along with one Srinu and Ram Koti, all the accused with common intention, criminally trespassed into his house while armed with axes, knives and sticks. It is specifically alleged that Accused Nos.1 and 4 assaulted the de facto complainant with an axe on his head, while Accused No.3 stabbed him on his back and abdomen with a knife. When Srinu attempted to intervene, Accused Nos.2, 5 and 6 allegedly pushed the de facto complainant and assaulted him with sticks and by fist blows, thereby causing bleeding injuries. It is further alleged that, when the police personnel arrived at the scene to rescue the injured, the accused intercepted the police party and damaged the official vehicle. On the basis of the report lodged by the police, the present crime came to be registered for the offences alleged therein.

5.1. Learned counsel appearing for the petitioners contended that the petitioners have been falsely implicated owing to previous enmity between the families. It is submitted that the allegations contained in the complaint are highly exaggerated and inherently improbable. According to the learned counsel, had all the accused simultaneously assaulted the de facto complainant with deadly weapons such as axes and knives in the manner alleged, the victim would ordinarily have sustained multiple grievous or life-threatening injuries. However, the medical evidence presently available does not substantially corroborate the prosecution version regarding the nature and extent of the assault.

5.2. It is further contended that Accused Nos.1 and 2, who are alleged to be the principal offenders, have already been granted regular bail by the jurisdictional Court after their arrest. The overt acts attributed to the present petitioners, when examined in the light of the medical evidence, do not fully correspond with the injuries noted by the Medical Officer. Learned counsel further submits that the petitioners are permanent residents of the locality, have no intention to evade the investigation, undertake to cooperate with the Investigating Officer, and are willing to abide by any condition that may be imposed by this Court. Placing reliance upon the settled principles governing the grant of anticipatory bail under Section 438 of the BNSS, it is prayed that the petitioners be enlarged on anticipatory bail.

6.1. Per contra, learned Additional Public Prosecutor opposed the petition and submitted that the allegations against the petitioners are specific, categorical and supported by the statements recorded during investigation. It is contended that the investigation is still at a nascent stage and custodial interrogation of the petitioners is necessary for effective investigation. It is further argued that the grant of regular bail to Accused Nos.1 and 2, after their arrest, cannot constitute a ground for extending the discretionary relief of anticipatory bail to the present petitioners, since the considerations governing post-arrest bail and pre-arrest bail operate in different fields. Accordingly, dismissal of the petition is sought.

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

8. The gravamen of the allegations against the petitioners is that, acting in concert with the other accused and sharing a common intention, they criminally trespassed into the house of the de facto complainant and assaulted him with deadly weapons, namely axes, knives and sticks, with the intention of causing his death. The accusations, if ultimately established, undoubtedly disclose serious offences involving violence.

9. It is well settled that while exercising jurisdiction under Section 438 of the BNSS, the Court is not expected to conduct a meticulous examination of

the evidence as would be undertaken during trial. At the same time, the Court is required to evaluate, prima facie, the nature and gravity of the accusation, the specific role attributed to each accused, the possibility of misuse of liberty, the likelihood of absconding, and the requirement of custodial interrogation. The discretion under the provision has to be exercised by balancing the individual's fundamental right to personal liberty with the legitimate interest of a fair and effective investigation. These principles have been consistently recognised by the Hon'ble Supreme Court in *Gurbaksh Singh Sibbia v. State of Punjab*, (1980) 2 SCC 565; *Siddharam Satlingappa Mhetre v. State of Maharashtra*, (2011) 1 SCC 694; and reaffirmed by the Constitution Bench in *Sushila Aggarwal v. State (NCT of Delhi)*, (2020) 5 SCC 1.

9. A careful examination of the complaint, the statements collected during investigation and the wound certificate of the injured reveals that, prima facie, the medical evidence does not entirely correspond with the manner of assault narrated in the complaint. Though the prosecution alleges repeated attacks with axes, knives and sticks by several accused, the injuries presently reflected in the medical record substantially disclose lacerated injuries and do not, at this stage, wholly support the prosecution version regarding the extensive use of deadly weapons, particularly insofar as the role attributed to certain petitioners is concerned. Needless to

observe, such observations are purely prima facie in nature and shall not influence the trial.

10. Significantly, there is no specific overt act attributed to petitioner Nos.5 and 6 (Accused Nos.7 and 8) either in the complaint or in the material presently placed before this Court. As regards petitioner Nos.1 and 2 (Accused Nos.3 and 4), however, there are specific allegations of assault with dangerous weapons, including the use of an axe and a knife. The nature of the accusation against them is qualitatively distinct and stands on a different footing from that of petitioner Nos.3 to 6.

11. Having regard to the nature of the accusations, the material presently available, the specific role assigned to each petitioner, the stage of investigation and the principles governing the exercise of jurisdiction under Section 438 of the BNSS, this Court is of the considered opinion that petitioner Nos.3 to 6/accused No.s 5 to 8 have made out a fit case for grant of anticipatory bail, subject to conditions designed to secure their availability for investigation and to protect the interests of the prosecution.

12. However, insofar as petitioner Nos.1 and 2 are concerned, the allegations attribute active participation in the assault by use of deadly weapons. Having regard to the seriousness of the allegations, the specific overt acts attributed to them, and the requirement of an unhindered

investigation, this Court is not inclined to exercise its extraordinary discretionary jurisdiction, in their favour. Consequently, the prayer for anticipatory bail made by petitioner Nos.1 and 2 deserves to be rejected.

13. Accordingly, the Criminal Petition is partly allowed. Petitioner Nos.3 to 6 (Accused Nos.5 to 8) shall be enlarged on anticipatory bail subject to the following conditions:

(A) Petitioner Nos.3 to 6 (Accused Nos.5 to 8) shall surrender before the Station House Officer, Veldanda Police Station, Nagarkurnool District, on or before 13.07.2026. Upon such surrender, or in the event of their arrest before the said date, they shall be released on bail on executing personal bonds for a sum of Rs.20,000/- (Rupees Twenty Thousand only) each, with two sureties for a like sum each, to the satisfaction of the Station House Officer concerned.

(B) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer and shall extend full cooperation for the purpose of investigation.

(C) The petitioners shall furnish their complete residential addresses, mobile numbers and other contact particulars to the Investigating Officer and shall promptly intimate any subsequent change thereof.

(D) The petitioners shall not, either directly or indirectly, induce, threaten, promise or influence any person acquainted with the facts of the case, nor shall they tamper with the prosecution evidence or

attempt to interfere with the course of investigation in any manner whatsoever.

(E) The petitioner shall strictly comply with all the conditions contemplated under Section 482(2) of the BNSS.

(F) Any wilful 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.

12. 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. Pending miscellaneous applications, if any, shall stand closed.

N.TUKARAMJI, J

Date: 29.06.2026

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