

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

**WEDNESDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION NO: 9857 OF 2026

Between:

Mohammed Omer,, S/o. Mohammed Shabbir Ahmed, Aged about 27 years,
Occ.Business, R/o. H.No.1-2-729/1/F, Lower Tank Bund, Musheerabad,
Hyderabad, Telangana

...PETITIONER/ACCUSED

AND

1. The State of Telangana,, Rep. by the Public Prosecutor, High Court for the State of Telangana, Hyderabad.
2. Sri D. Chandra Shekar, Head Constable (General No.2805), Domalguda Police Station, Hyderabad Commissionerate, Cell No. 9908589511.

...RESPONDENT/COMPLAINANTS

Petition under Section 482 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to enlarge the petitioner/accused on anticipatory bail in the event of his arrest in connection with Crime No.202 of 2026 on the file of Domalguda Police Station, Hyderabad, registered for the alleged offences punishable under Sections 132 and 292 of the Bharatiya Nyaya Sanhita, 2023, on such terms and conditions as this Hon'ble Court may deem fit and proper.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri H Sudhakara Rao , Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the Respondent No.1 and None appeared for the Respondent No. 2

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.9857 OF 2026

DATE : 08.07.2026

Between:

Mohammed Omer

...Petitioner

AND

The State of Telangana and Another

...Respondents

ORDER:

This Criminal petition is filed under Section 482 of *Bharatiya Nagarik Suraksha Sanhita* (for short 'BNSS'), seeking grant of anticipatory bail.

2. Heard learned counsel for petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent No.1-State.

3. The petitioner is arrayed as sole accused in FIR No.202 of 2026 on the file of Domalguda Police Station, Hyderabad, facing accusations under Sections 132, 292 of *Bharatiya Nyaya Sanhita* (for short 'BNS').

4. Learned counsel for the petitioner respectfully submits that, although the petitioner is fully willing to cooperate with the investigation, he entertains a reasonable apprehension that coercive action may be taken against him.

Such apprehension arises notwithstanding the fact that the offences alleged against him are punishable with imprisonment for a term of less than seven years and that the Investigating Agency has not properly issued a notice under Section 35(3) of the BNSS. It is further submitted that the petitioner has no intention of evading the investigation and is ready and willing to participate in and extend full cooperation to the Investigating Officer. In the aforesaid circumstances, learned counsel confines the relief sought to a direction to the Investigating Agency to act in accordance with law by issuing a notice under Section 35(3) of the BNSS, thereby protecting the petitioner from any unwarranted coercive action.

5. The learned Assistant Public Prosecutor opposed the petition. However, no specific reason has been put forward for not properly issuing a notice to the petitioner under Section 35(3) of the BNSS.

6. I have perused the material available on record.

7. Considering the submission that the notice Section 35(3) of the BNSS has been served on 10.06.2026 and as the offences alleged against the petitioner is punishable with imprisonment for a term of less than seven years, and without expressing any opinion on the merits of the case, this Court considers it appropriate to extend to the petitioner the statutory safeguards envisaged under Section 35(3) of the BNSS, leaving all issues open to be

examined by the Investigating Agency during the course of the investigation, particularly in view of the petitioner's categorical undertaking to participate in and fully cooperate with the investigation.

8. Accordingly, the petitioner is directed to appear before the Station House Officer, Domalguda Police Station, Hyderabad, within one week from the date of receipt of a copy of this order. Upon such appearance, the Investigating Officer shall issue a notice to the petitioner under Section 35(3) of the BNSS in connection with FIR No.202 of 2026 and shall thereafter proceed strictly in accordance with law, duly adhering to the principles and guidelines enunciated by the Hon'ble Supreme Court in *Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273. The petitioner shall, in turn, extend full cooperation to the Investigating Officer during the course of investigation.

9. With this direction, this Criminal Petition is disposed of. Pending miscellaneous applications, if any, shall stand closed.

**SD/- C.DEEPIKA
ASSISTANT REGISTRAR**

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SECTION OFFICER

To,

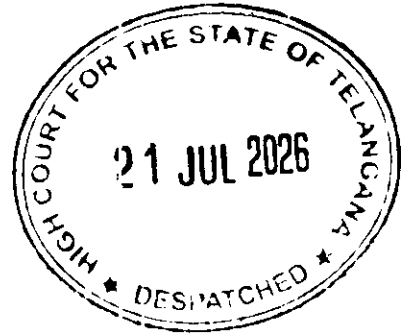
1. The X Additional Chief Judicial Magistrate At Secunderabad
2. The Station House Officer, Police Station, Domalguda, Hyderabad
3. One CC to Sri. H Sudhakar Rao, Advocate [OPUC]
4. Two CCs to Public Proecutor High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

EPR/KA

(SP)

HIGH COURT

DATED: 08/07/2026



ORDER

CRLP.No.9857 of 2026

CRIMINAL PETITION IS DISPOSED OF

⑧ SKS
21/7/26