

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

**TUESDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 10447 OF 2026

Between:

Chithavaduta Rukmangada Babu, S/o Late Chithavaduta Narayana Swamy, Age. 66 years, Occ. Retired Employee, R/o. H.No.3-18-173, Pragathinagar, Ramanthapur, Uppal Mandal, Medchal-Malkajgiri District, Telangana 500013.

...Petitioner/Sole Accused

AND

1. The State of Telangana, Represented by its Public Prosecutor, High Court at Hyderabad.
2. C. Aruna kumari, W/o Sri Patel Vijay Hindhu, Age. 45 Years, Occ. House Wife, R/o H.No.2-2-1074/6/403, Siri Kodanda Rama Nilayam, Beside Sri Rama Temple, 6 Number Circle, Amberpet, Hyderabad -500013.

...RESPONDENT/COMPLAINANTS

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the docket order dated 27.04.2026 in STC (NI) No. 637 of 2026 on the file of X Judicial Magistrate of First Class Cum X Metropolitan Magistrate, Manoranjan Complex, Nampally, Hyderabad.

I.A. NO: 2 OF 2026

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to suspend the docket order dated 27.04.2026 in STC (NI) No. 637 of 2026 on the file of X Judicial Magistrate of First Class Cum X Metropolitan Magistrate, Manoranjan Complex, Nampally, Hyderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Sahithi Sri Kavya Mukkera, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor on behalf of the Respondent No.1.

The Court made the following: ORDER

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

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.10447 of 2026

Date: 07.07.2026

Between:

Chithavaduta Rukmangada Babu

Petitioner/Accused

AND

The State of Telangana and another

Respondents

ORDER:

This Criminal Petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (for short 'BNSS') aggrieved by the docket order dated 27.04.2026, wherein, the learned X Judicial Magistrate of First Class, Manoranjan Complex, Nampally, at Hyderabad (for short 'the trial Court') directed the petitioner to furnish Rs.35,000/- with one surety on the next date of hearing i.e., on 15.05.2026.

2. Heard Ms. Sahithi Sri Kavya Mukkera, learned counsel for the petitioner/accused and Mr. Jitendar Rac Veeramalla, learned Additional Public Prosecutor appearing for the respondent No.1-State. Notice in respect of respondent No.2 is dispensed with, on the ground that petitioner is not seeking any

relief against respondent No.2 and she is arrayed as proforma party.

3. Learned counsel for the petitioner submitted that the petitioner is the sole accused in STC.NI.No.637 of 2026 for the offense punishable under Sections 138 to 142 of the Negotiable Instruments Act, 1881. On 27.04.2026, on behalf of the petitioner, his counsel filed memo or appearance and also filed application under Section 317 of the Cr.P.C., and the trial Court while allowing the said application, directed the petitioner to furnish one surety for a sum of Rs.35,000/- and the same is contrary to law, on the ground that nature of the case is summons cases and the question of furnishing surety amount does not arise. Hence the impugned docket order dated 27.04.2026 in S.T.C.NI.No.637 of 2026 passed by the learned trial Court is liable to be set aside.

4. Learned Additional Public Prosecutor fairly submitted that the learned Magistrate ought to have directed the petitioner to submit personal bond instead of directing him to furnish surety.

5. Having considered the rival submissions made by the respective parties and after perusal of the record, it reveals that respondent No.2 has filed complaint invoking the provisions of

Section 190 of the Cr.P.C against the petitioner for the offence under Sections 138 to 142 of the N.I.Act and after receiving summons, on behalf of the petitioner, his counsel filed memo of appearance along with application under Section 317 of the Cr.P.C. The learned trial Court while allowing the said application ought to have directed the petitioner to execute a personal bond, on the other hand, directed the petitioner to furnish one surety for a sum of Rs.35,000/- for a like sum and the same is contrary to law, especially the nature of cases filed by respondent No.2/complainant is summon case.

6. It is relevant to mention that in ***Subhash Atmaram Sharma Vs State of Maharashtra***¹, the High Court of Bombay laid down the principle that in prosecutions under Section 138 of the Negotiable Instruments Act, the execution of a surety bond is not invariably required, and that where the accused consistently attends the proceedings, their presence can be adequately secured by a personal bond, with a surety bond being warranted only when there is a demonstrated tendency to remain absent without reasonable cause.

¹ 2015 SCC ONLINE BOM 4208

7. It is also relevant to mention that in **Kamakshi Forex Pvt. Ltd. & Ors. v. Lorenzo Rebello** (Criminal Writ Petition No.11 of 2023 dated 28.02.2023), the High court of Bombay has reiterated that the Magistrate must not insist on surety when the accused has been regularly present and no risk of absconding is shown.

8. Taking into consideration the facts of the case, as well as the principle laid down in the above said judgment, this court is of the considered view that, the impugned docket order dated 27.04.2026 in S.T.C.NI.No.637 of 2026 passed by the learned trial Court is contrary to law and the same is liable to be quashed.

9. Accordingly, the docket order dated 27.04.2026 in S.T.C.NI.No.637 of 2026 passed by the learned X Judicial Magistrate of First Class, Manoranjan Complex, Nampally, at Hyderabad, is hereby quashed, subject to the condition that the petitioner is directed to execute personal bond for a sum of Rs.50,000/- to the satisfaction of the learned X Judicial Magistrate of First Class, Manoranjan Complex, Nampally, at Hyderabad, within a period of one (01) week from the date of receipt of copy of this order.

10. With the above direction, the Criminal Petition is disposed of.

Miscellaneous petitions, pending if any, shall stand closed.

//TRUE COPY//

**SD/- P PONNA KRISHNA,
ASSISTANT REGISTRAR**



SECTION OFFICER

To,

1. The X Judicial Magistrate of First Class Cum X Metropolitan Magistrate, Manoranjan Complex, Nampally, Hyderabad
2. The Station House Officer, Narayanaguda Police Station, Himayathnagar, Hyderabad.
3. Two CCs to the Public Prosecutor, High Court of Telangana at Hyderabad [OUT]
4. One CC to Sri Sahithi Sri Kavya Mukkera, Advocate [OPUC]
5. Two CD Copies

GNK

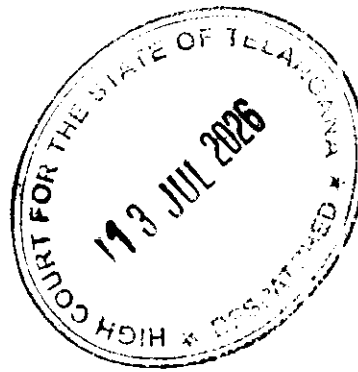


HIGH COURT

DATED: 07/07/2026

ORDER

CRLP.No.10447 of 2026



DISPOSING THE CRIMINAL PETITION

(8) NT
13/7/26