

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

THE HON'BLE JUSTICE B.R.MADHUSUDHAN RAO

CRIMINAL PETITION No.13842 of 2026

CNR.NO. HBHC010580892026

DATED: 09th September 2026

Between:

Kasarla Surender Reddy ... Petitioner - Accused No.1

And

The State of Telangana,
Represented by its Public Prosecutor,
High Court for the State of Telangana, Hyderabad.

... Respondent - Complainant

ORDER

1. This memorandum of Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) praying this Court to enlarge the petitioner – A1 on bail in connection with Crime No.171 of 2026 of P.S. Chivvemla, Suryapet District. The offences alleged against the petitioner – A1 are under Sections 316(2) and 318(4) of Bharatiya Nyaya Sanhita, 2023 BNS.

2. Heard Sri K.Nishwitha Reddy, learned counsel for the petitioner – A1 and Sri D.Arun Kumar, learned Additional Public Prosecutor appearing for the respondent – State.

3. Learned counsel for the petitioner submits that the alleged transactions relied upon by the prosecution admittedly relate to the period of January to March 2023, whereas BNS came into force only with effect from 01.07.2024. The original FIR was registered only under Section 316 (2) and Section 318 (4) of BNS. The prosecution subsequently submitted a memo seeking to introduce Section 111 of BNS relating to organized crime alleging that the petitioner-A1 had previous criminal antecedents. The allegations of cheating themselves arise out of agreements relating to immovable property, the alleged payments were made pursuant to agreement of sale and there is no allegation that the petitioner-A1 obtained the money by employing any sophisticated criminal machinery and the same cannot automatically be converted into organized crime merely because more than one purchaser is alleged to have suffered a financial loss. Petitioner-A1 is arrested on 16.07.2026, his mobile phone is already seized by the investigating agency. The very foundation for invoking Section 111 BNS is seriously doubtful. The mere allegation that the petitioners-A1 and A2 acted together in a property transaction does not by itself establish a structured organized crime syndicate. The alleged previous cases of 2025 are themselves pending trial and no conviction has been recorded

against the petitioner-A1 in either of the cases. Respondent has taken police custody of the petitioner-A1 for three days i.e., on 21.07.2026 to 23.07.2026 and prayed to enlarge the petitioner on bail.

4. Learned Additional Public Prosecutor submits that petitioner-A1 is an habitual offender against whom charge sheets have already been filed in Crime No.124 of 2025 of Suryapet Rural Police Station and Crime No.21 of 2025 of Chivvemala Police Station, where in the concerned courts have taken cognizance and the ingredients of section 111 BNS are prima facie attracted. The role played by the petitioner-A1 is depicted in the remand case diary and prayed to dismiss the petition.

5. K.Venkanna has lodged a report before PS Chivvemla on 09.06.2026 and contended that he approached G.Srinu for purchasing open plot Nos.15, 17 and 19 located in survey Nos.152 and 153 on the outskirts of Ailapuram. G.Srinu informed the complainant that he was in an agreement with K.Surender Reddy who is a partner of the venture, he further assured that land is purchased from M.Biksham, M.Venkanna and G.Sumathi. Based on the representation he along with his brother K.Kanakaiah agreed to purchase four open plots width about 1,000 square yards at the rate of Rs.6,000/- per square yard and they have paid

advance amount of Rs.15,00,000/- subsequently they executed agreements during the year 2023. However he learnt that G.Sriniu and K.Surender Reddy (petitioner herein) deceived them. He also came to know that Surender Reddy and Srinu have cheated many others. Basing on the said complaint, FIR came to be registered under sections 316(2), 318(4) of BNS.

6. Petitioner-A1 is arrested on 16.07.2026 and was produced before the Court for remand, since then he is in judicial custody.

7. Remand case diary goes to show that respondent has served notice under Section 35 (3) and 35 (5) of BNSS to G.Sreenivas-A2.

8. Written instructions filed by Sub-Inspector of Police, Chivvemla Police Station, Suryapet District, goes to show that petitioner - A1 is involved in Crime No.124 of 2025 and Crime No.21 of 2025 which came to be numbered as CC.No.484 of 2026 and CC.No.977 of 2025 respectively which are registered under different sections of BNS.

9. The primary contention of the petitioner-A1 is that the alleged transactions is of the year 2023 and BNS came into force with effect from 01.07.2024 and the original FIR was registered under Sections 316 (2) and 318(4) of BNS. Police custody of petitioner-A1 is given from 21.07.2026 to 23.07.2026. Remand

case diary goes to show that respondent has examined eight witnesses in support of their contention. Respondent has served notice under Sections 35(3) and 35(5) of BNSS to G.Sreenivas – A2 who was granted station bail. Petitioner-A1 is in judicial custody since 16.07.2026, furthermore police custody of the petitioner – A1 is completed and the material placed on record goes to show that most of the investigation is completed, thus detaining the petitioner – A1 further in judicial custody will not serve the purpose. Therefore the petitioner – A1 is entitled for grant of bail subject to the following conditions:

- i. The petitioner – A1 shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two local sureties for a like sum each to the satisfaction of the learned Additional Judicial First Class Magistrate at Suryapet.
- ii. The petitioner – A1 shall appear before the concerned SHO between 10.00 a.m. to 05.00 p.m., on every Sunday and Wednesday 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 petitioner – A1 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C. (presently, Section 480(3) of the BNSS).
- iv. The petitioner – A1 shall not directly or indirectly influence, threaten, or induce any of the prosecution witnesses.

- v. In the event of violation of any of the above conditions, the prosecution is at liberty to file an application for cancellation of bail.

10. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

B.R.MADHUSUDHAN RAO, J

Date: 09.09.2026

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