

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

**SATURDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION NO: 13821 OF 2025

Between:

1. Chilukoti Suresh, S/o C.Yogeshwar Rao, Aged 43 years, Occ Pvt. Employee, R/o H. No. Plot No. 10, Sai Gardens, Vanasthalipuram, Hyderabad.
2. Bunga Amruth, S/o B. Samuel Ezra Shastri, Aged 32 years, Occ Pvt. Employee, R/o H. No. 4-8-232, 2nd Floor, Sitapathi Colony, West Maredpally, SEcunderabad-500026.

...Petitioner/Accused No.9 & 10

AND

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

...RESPONDENT/COMPLAINANT

Petition under Section 480 r/w 483 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 petitioners on regular bail in the Remand Case Diary filed in F.I.R. No. 140 of 2023, dt. 19/4/2023 on the file of the SHO, CCS, Hyderabad, registered under Secs. 406, 42086 468 r/w 34 IPC, and subsequently the Hon'ble Court may be pleased to issue contempt on the officer/contemnor for violating the guidelines framed by the Honble Supreme Court in its judgement dt. 31/07/2023 in Criminal Appeal No(s). 2207 of 2023 in SLP(Cr) No. 3433 of 2023 as well as the circular of the High Court of Telangana, CIRCULAR No. 12/SO/2023, dt. 09/08/2023.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri V T Kalyan, Advocate for the Petitioner and Smt. Shalini Saxena, Assistant Public Prosecutor on behalf of the Respondent.

The Court made the following: ORDER

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.13821 of 2025

ORDER:

The present Criminal Petition is filed praying this Court to enlarge the petitioners on bail, who are arrayed as accused Nos.9 and 10 in FIR No.140 of 2023 before the CCS, Hyderabad, registered for the offences punishable under Sections 406, 420 and 468 read with 34 of IPC.

2. Heard Sri VT Kalyan, learned counsel for petitioners, and Smt Shalini Saxena, learned Assistant Public Prosecutor appearing for respondent – State.
3. Learned counsel for petitioners submitted that in spite of the alleged offences being punishable for a period less than seven years, without assigning any reasons, the investigating authority produced the petitioners before the trial Court, and without there being any proper reasoning, they were remanded to judicial custody, thereafter, a petition was filed for police custody of accused, and without assigning any reasons, they were sent to police custody. He asserted that already a regular bail petition is filed before the trial Court seeking bail of petitioner but without

taking any decision over the bail petition, the police custody petition was allowed. Therefore, prayed the Court to set aside the order dated 23.10.2025 passed by the trial Court granting police custody of petitioners.

4. On the other hand, learned Assistant Public Prosecutor opposed the submissions made by the learned counsel for petitioners stating that there are no illegalities in the order passed by the trial Court. She contended that the petitioners/accused Nos.9 and 10 are involved in huge financial fraud. She asserted that the other accused are absconding and to trace out the amount involved in the fraud and the names of other victims, the custody petition was filed which was rightly allowed by the trial Court. She reiterated that the custody petition was filed for the sole purpose of proper investigation. She lamented that already these petitioners filed a regular bail petition before the trial Court, as such, he cannot file second petition before this Court without withdrawing the same before trial Court. He lamented that the petitioner No.1 himself lodged complaint against other persons on 27.09.2023 alleging their involvement in the financial fraud. Therefore, prayed the Court to dismiss the criminal petition.

5. Having regard to rival submissions made and on going through the material placed on record, it is noted that though the remand report filed by learned Assistant Public Prosecutor, would show that the reason mentioned for remanding the petitioners is that all the other accused are absconding, it is seen that the prosecution itself mentioned that accused No.3 already obtained anticipatory bail and went to UK, and the amount collected by innocent victims was shared between accused. Further, in the remand report there is no mention regarding grounds on which the petitioners were sent to judicial custody, whereas in the order of the trial Court it is recorded that the reason to remand the accused is to know the details of other victims and to examine them and find out the total amounts collected by the accused by way of fraud, its realization and distribution, and to prevent the other accused from getting absconded. That apart, in spite of the alleged offences being punishable for a period of less than seven years, there is no mention in the remand report regarding serving notice to petitioners under Section 35 (3) of the Bharatiya Nagarik Suraksha Sanhita (for short 'BNSS') previously known as Section 41-A of Criminal Procedure Code.

6. Regardless of the facts of this case, it is to be observed that the present petition is filed seeking regular bail of petitioners who

are arrayed as accused Nos.9 and 10, whereas, as per the contentions of learned counsel for petitioners, the relief sought for is that of setting aside the order passed by trial Court granting police custody of petitioners, and to challenge the same, appropriate petition is required to be filed. That being so, at this juncture, it is needless to observe that the said relief cannot be granted by this Court in a petition filed for grant of regular bail. As mentioned earlier, the petitioners have already filed a regular bail petition before the trial Court and the same is pending, and in spite of the same, this petition is filed. However, considering all the aspects of this case in entirety, the trial Court is directed to take up the pending regular bail petition of petitioners/accused Nos.9 and 10, as per its listing date, and dispose of the same on the same day itself.

7. With the above observation, this Criminal Petition is disposed of.

Miscellaneous applications, if any pending, shall stand closed.

SD/- N CHANDRA SEKHAR RAO,
DEPUTY REGISTRAR.

//TRUE COPY//

SECTION OFFICER

To,

1. The XII Additional Chief Metropolitan magistrate at Nampally, Hyderabad
2. The station House Officer, Central Crime Station, Hyderabad
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
4. One CC to SRI V T KALYAN, Advocate [OPUC]
5. Two CD Copies

ADK

HIGH COURT

DATED:25/10/2025

ORDER

CRLP.No.13821 of 2025



DISPOSING OF THE CRLP

⑧MT
25/10/25