

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

MONDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

**THE HONOURABLE SRI JUSTICE K.LAKSHMAN
AND
THE HONOURABLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY**

**IA No. 1 OF 2025
IN
CRLA NO: 1136 OF 2025**

Between:

Kattela Saidulu, S/o.Paramesha.

...Petitioner/Appellant
(Petitioner in CRLA 1136 OF 2025
on the file of High Court)

AND

The state of Telangana, Rep by its Public prosecutor High Court of Telangana,
Hyderabad.

...Respondent/Respondent
(Respondents in-do-)

Petition under Section 151 CPC praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to enlarge the petitioner on bail by suspending the sentence of imprisonment in Judgment Dt. 26-09-2025 made in Sessions Case No. 53 OF 2020 on the file of Court of the Special Judge for Trial of cases under the Protection of Children from Sexual Offences Act at Nalgonda, Nalgonda District, pending disposal of CRLA No. 1136 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of Sri Muthyala Muralidhar Advocate for the Appellant and Mr.Syed Yasar Mamoon, Additional Public Prosecutor for the Respondent.

**The Court made the following
ORDER:**

**Heard Mr.Muralidhar Muthyala, learned counsel for the petitioner/accused No.1
and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor.**

**Petitioner herein is accused No.1 in Sessions POCSO Case No.53 of 2020 on the
file of the learned Special Judge for Trial of Cases under the Protection of Children
from Sexual Offences Act, Nalgonda. Vide the impugned Judgment, dated 26.09.2025,
learned trial Court convicted the petitioner for the offences punishable under Sections**

376, 506, 305, 354-A and 504 of IPC and Section 5(d) read with Section 6 of the POCSO Act and sentenced him to undergo life imprisonment.

Learned trial Court convicted the petitioner relying on Ex.P.14 dying declaration recorded by PW.12 – Magistrate. In Ex.P.14 dying declaration, deceased has specifically stated that the petitioner is her sister's husband and taking advantage of her loneliness, she was exploited sexually two or three times. He also promised her that he will marry her. He has also purchased a mobile phone. He has spoiled her life.

PWs.1 to 4 are the parents, brother and sister of the deceased. All of them deposed in the very same lines. *Prima facie* the offences alleged against the petitioner are serious and grave in nature and there are specific allegations against him.

Learned counsel for the petitioner would contend that the contents of Ex.P.14 dying declaration lack the ingredients of Section 5(d) of the POCSO Act. He has also placed reliance on the principle laid down by the Apex Court in *Gangula Mohan Reddy v. State of Andhra Pradesh*¹. There was no abetment at all. However, the said aspect will be considered while hearing the appeal.

In *Rajesh Upadhayay v. The State of Bihar*², the Apex Court reiterated its principle laid down in *Omprakash Sahni v. Jai Shankar Chaudhary*³ and it was held that the appellate Court should not reappreciate the evidence at the stage of Section 389 of Cr.P.C. and try to pick some lacunae or loopholes here and there in the case of prosecution. The presumption of innocence of the accused which is a principle applied in criminal jurisprudence, holds good only until the accused is tried. Once the accused is convicted at the end of the trial, the presumption of innocence does not continue.

Thus, analysis of the prosecution witnesses while considering the bail application is impermissible. Therefore, we are not inclined to grant bail to the petitioner.

In the light of the same, this application is liable to be dismissed and accordingly, it is dismissed.

SD/- T. SRINIVAS REDDY
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

1. The Special Judge for Trial of cases under the Protection of Children from Sexual Offences Act at Nalgonda, Nalgonda District.
2. One CC to SRI MUTHYALA MURALIDHAR Advocate [OPUC]
3. Two CCs to Public Prosecutor, High Court at Hyderabad. [OUT]
4. Two spare copy

¹ (2010) 1 SCC 750

² Judgment dated 18.12.2025 of the Apex Court in Criminal Appeal No. of 2025 (@Special Leave Petition (CRL) No.8736 of 2025)

³ (2023) 6 SCC 123

HIGH COURT

**KL,J
AND
VRKR,J**

DATED:22/12/2025

Lis + the matter on 18-03-2026.

ORDER

**IA. No. 1 of 2025
IN
CRLA.No.1136 of 2025**



IA IS DISMISSED