IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.15427 OF 2026

(CNR No.HBHC010649722026)

DATE: 08.10.2026

Between :

Meliga Mahesh and Another

… Petitioners

AND

The State of Telangana

… Respondent

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nyaya Suraksha Sanhita*, 2023* (for short, 'BNSS'), seeking the relief of anticipatory bail.

2. The petitioners are arrayed as the accused Nos.1 and 2 in Crime No.173 of 2026 on the file of Laxmidevipalli Police Station, Bhadradri Kothagudem District, facing accusations under Sections 331(6), 61(2) read with 3(5) of *Bharatiya Nyaya Sanhita, 2023* (for short 'BNS').

3. Heard Mr. B.Bhagath Sain, learned counsel for the petitioners and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor, representing the respondent-State.

4. The prosecution case, in brief, is that accused Nos. 1 and 2, in furtherance of their alleged criminal conspiracy and armed with deadly weapons, went to the complainant's house at about 01:13 a.m. on 03.09.2026, with the intention of causing hurt to and assaulting the complainant. The alleged motive for the incident was that the complainant had previously reprimanded the petitioners for allegedly mixing water with the wine in the bottles at his wife's wine shop situated at Palvancha. It is further alleged that, upon noticing the presence of the accused and apprehending their intention, the complainant defended himself and resisted their alleged acts, whereupon both the accused retreated and left the place. Based on the complainant's report, the present crime was registered.

5.1. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the present crime. It is contended that the allegations contained in the First Information Report (FIR) do not disclose the essential ingredients of the offences alleged against the petitioners. He also pleads that the petitioners were not workers but partners in the wine shop business and that the present criminal case has been foisted against them on account of disputes relating to the profits of the business.

5.2. Learned counsel also draws attention to the alleged delay of 12 days in lodging the FIR, stating that, although the incident is alleged to have occurred on 03.09.2026, the complaint was lodged only after the said delay. It is further contended that the alleged placing the matter before the syndicate members and the intervention of village elders have not been supported by any material. According to learned counsel, the allegation that the petitioners came to the complainant's house with the intention of killing him is not substantiated by any material. Learned counsel further argues that the ingredients of Section 331(6) of the BNS, are not made out, as the complaint does not disclose any specific allegation of entry or the essential factual ingredients necessary to attract the said provision. It is also submitted that the prosecution has not placed any fact or circumstance demonstrating the alleged criminal conspiracy or otherwise substantiating the allegations made in the complaint.

5.3. In these circumstances, learned counsel submits that custodial detention of the petitioners is not warranted, particularly as they are willing to cooperate with the investigation and abide by any conditions that may be imposed by this Court. Accordingly, learned counsel seeks the grant of anticipatory bail to the petitioners.

6. Per contra, learned Additional Public Prosecutor opposes the petition and submits that the complainant has specifically referred to the

involvement of the petitioners and alleged that they visited the complainant's house at midnight while armed with weapons. It is contended that these allegations, at this stage, prima facie indicate the intention attributed to the petitioners and warrant a thorough investigation into the incident. Learned Additional Public Prosecutor further submits that the investigation is at a nascent stage and that the presence of the petitioners may be necessary for its effective and proper conduct. The questions raised by the petitioners concerning the delay in lodging the FIR and the other alleged deficiencies in the prosecution case, according to the learned Additional Public Prosecutor, are matters to be examined during the course of investigation. It is further contended that granting anticipatory bail at this stage may adversely affect the investigation by resulting in a lack of cooperation on the part of the petitioners. On these grounds, learned Additional Public Prosecutor seeks dismissal of the petition.

7. I have considered the rival submissions and perused the material on record.

8. The specific allegation against the petitioners is that they came to the de facto complainant's house at midnight, armed with weapons, intending to cause assault, and kill him. The complainant allegedly defended himself and resisted their acts, whereupon the petitioners retreated and left the place.

9. While considering an application for anticipatory bail, the Court is not expected to undertake a meticulous examination of the evidence or determine the truthfulness of the allegations as though conducting a trial. As held in *Gurbaksh Singh Sibbia v. State of Punjab*, (1980) 2 SCC 565, and *Sushila Aggarwal v. State (NCT of Delhi)*, (2020) 5 SCC 1, the discretion must be exercised judiciously, having regard to the nature and gravity of the accusation, the role attributed to the accused, and the requirements of a fair investigation.

10. Whether the petitioners visited the complainant's house at the alleged time, carried weapons, intended to kill him, or acted pursuant to a criminal conspiracy, as well as the circumstances in which the complainant resisted them, are matters requiring investigation. Any definitive finding on these disputed facts at this stage would be premature.

11. Nevertheless, no injury is stated to have been caused to the complainant, and the alleged delay of 12 days in lodging the report warrants examination during investigation, though it is not conclusive by itself. The petitioners are willing to cooperate with the investigation, and no specific ground has been demonstrated to establish the indispensability of their custodial interrogation. In view of the principles laid down in *Siddharam Satlingappa Mhetre v. State of Maharashtra*, (2011) 1 SCC 694, and balancing the petitioners' personal liberty against the interests of an

effective investigation, this Court is of the considered view that their request for anticipatory bail merits favourable consideration, subject to appropriate conditions to ensure their cooperation and prevent interference with the investigation.

12. Accordingly, the Criminal Petition is allowed, subject to following conditions.

(A) The petitioners/accused Nos.1 and 2 shall surrender before the Station House Officer, Laxmidevipalli Police Station, Bhadradri Kothagudem District, on or before 23.10.2026. Upon such surrender or in the event of arrest the Station House Officer shall release them on bail on execution of a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties for a like sum each, to the satisfaction of the said officer.

(B) The petitioners shall appear before the Investigating officer on every Tuesday and Saturday between 10.00AM to 03.00PM, for a period of twelve (12) weeks from the date of their release on bail or until the filing of the final result, whichever is earlier.

(C) The petitioners shall remain available for investigation as and when required by the Investigating Officer and shall cooperate fully with the investigation.

(D) The petitioners shall furnish their complete residential address and contact details to the Investigating Officer and shall keep the same updated throughout the course of investigation.

(E) The petitioners shall not either directly or indirectly induce, threaten, influence, or contact any prosecution witness, nor shall they tamper with the prosecution evidence in any manner whatsoever.

(F) The petitioners shall strictly comply with all the conditions contemplated under Section 482(2) of the BNSS.

(G) Any wilful breach or violation of any of the aforesaid conditions shall render the petitioners liable to appropriate proceedings before the court below, including cancellation of bail, in accordance with the provisions of the BNSS and other applicable law.

13. It is made clear that any observations made herein are confined solely to the adjudication of the present application for anticipatory bail and shall not be construed as an expression on the merits of the case. Miscellaneous applications, if any pending, shall stand closed.

N.TUKARAMJI, J

Date: 08.10.2026
CHS

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