IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE SRI JUSTICE B.R.MADHUSUDHAN RAO

CRIMINAL PETITION No.16076 of 2026

CNR No.HBHC010676642026

DATED : 15.10.2026

BETWEEN:

Baachlakura Anji Babu @ Anji

.....Petitioner-Accused

AND

1. The State of Telangana,
Rep. by its Public Prosecutor,

...Respondent No.1

2. XXXX

...Respondent No.2-Complainant

ORDER

1. This Criminal Petition is filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) praying this Court to enlarge the petitioner on bail who is arrayed as accused in connection with Crime No.18 of 2026 of P.S. Warasiguda, Hyderabad. The offences alleged against the petitioner-accused are punishable under Sections 64, 137(2), 272 of the Bharatiya Nyaya Sanhita Act, 2023 (for short 'BNS'), and Section 3 r/w 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard Sri Hari Satya Sandeep, learned counsel for the petitioner-accused and Sri D.Arun Kumar, learned Additional Public Prosecutor for the respondent - State.

3. Learned counsel for the petitioner submits that the statutory period under Section 187(3) of the BNSS for the offences alleged against the petitioner-accused is 90 days and the same had lapsed on 05.05.2026, during which period the charge sheet had not been filed. Petitioner-accused has preferred default bail petition without relying on the merits of the case, which came to be dismissed before the learned Sessions Court. Petitioner-accused is an auto driver and has elderly aged mother who is dependent on him, he is falsely implicated in the case, he is in remand for more than 230 days and charge sheet has not been filed as on the date of filing the present bail petition before this Court, in support of his contention has relied on the decision in the case of R.Henry Paul Vs. The State of Tamil Nadu[1] and prayed to enlarge the petitioner-accused on bail.

4. Learned Additional Public Prosecutor has filed written instructions of Sub-Inspector of Police, Warasiguda P.S. Hyderabad, wherein it is stated that the petitioner-accused took the victim to the house and forcefully had sexual intercourse

[1] https://hcservices.ecourts.gov.in/hcservices/

with her despite having full knowledge that he was infected with HIV-AIDS.

5. Victim mother has lodged a report before P.S. Warasiguda on 04.02.2026. It is stated in the complaint that she has a daughter, studied till 9th class and stopped her education and she was staying at home, in the meanwhile she got introduced to B.Anji Babu through one Geetha who stays beside her house. Her daughter used to go out of the house during afternoons and night times and when she questioned, the victim girl said that Anji Babu used to tell deceitful words, take her in his auto to roam around. In the month of January 2026, she reprimanded Anji Babu regarding the issue. On 29.01.2026, she found that her daughter was crying and when she asked her on that she revealed that Anji Babu took her to his room at Jamia Osmania, Adikmet and had intercourse forcibly against her will. Basing on the said complaint, FIR came to be registered.

6. Petitioner-accused was arrested and remanded to judicial custody on 04.02.2026, since then he is in jail. Remand Case Diary goes to show that respondent has altogether examined 16 witnesses as on 04.02.2026.

7. Petitioner-accused has filed Crl.M.P.No.1239 of 2026 for grant of regular bail before the learned Sessions Court, which

came to be dismissed *vide* order dated 23.04.2026 holding that petitioner-accused is aged about 55 years and infected with AIDS (HIV) and knowing fully committed sexual intercourse over the victim girl forcefully and investigation is still pending.

8. Petitioner-accused has filed default bail application under Section 187 (3) of BNSS *vide* Crl.MP.No.2146 of 2026 before the learned Sessions Court, which also came to be dismissed *vide* order dated 25.05.2026 with an observation that *prima facie* reading of the complaint shows that the petitioner-accused could have enticed the victim and committed alleged sexual assault.

9. In R.Henry Paul[1], High Court of Madras observed at Para No.24 which reads as under:

> "24. This Court for the second contention regards in dealing the second statutory bail, it is not in dispute that the accused was remanded on 24.04.2021. The petitioner made second statutory bail application on 22.07.2021, which was returned stating 89 days only completed and thereafter, it was represented. The bone of contention in this petition is whether the date of remand to be included or excluded. The Criminal Rules of Practice 2019, Rule 6(8) clarifies the same, the date of remand to be included. Further, the Apex Court in view of conflicting decisions, in the case of Enforcement Directorate, Government of India, Vs. Kapil Wadhawan & Anr. Etc., (cited supra), directed the concerned Court to take decision on the issue whether date of remand to be included or excluded while considering the statutory period under

> Section 167 (2) and entitlement of default bail, on its own by framing questioning of law. The Criminal Rules of Practice framed by this Court in Rule 6(8), mandates including the date of remand. As the facts placed herein clearly show that within 90 days, the charge sheet not filed. Admittedly, the charge sheet was filed on 23.07.2021. Therefore, the petitioner is entitled for statutory bail and the same is granted".

10. Charge sheet came to be filed before the learned Sessions Court on 24.07.2026. There is no material on record to show that the petitioner-accused is infected with HIV-AIDS. Except the statement in the remand case diary, no medical record is filed. Since charge sheet is already filed, the question of influencing the witnesses by the petitioner-accused does not arise and he is entitled to be enlarged on bail.

11. Accordingly, petition is allowed subject to the following conditions:

i. The petitioner-accused shall execute a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only), with two sureties for a like sum each to the X Addl. Chief Judicial Magistrate at Hyderabad.

ii. The petitioner-accused shall not directly or indirectly influence, threaten, or induce any of the prosecution witnesses connected to the S.C.

iii. It is made clear that the condition imposed by this Court is violated, the prosecution is at liberty to file an application for cancellation of the bail.

Miscellaneous applications, if any pending, shall stand closed.

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B.R.MADHUSUDHAN RAO, J

Date: 15.10.2026
PLV

THE HON'BLE SRI JUSTICE B.R.MADHUSUDHAN RAO

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