IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.16106 OF 2026

(CNR No.HBHC010679272026)

DATE: 13.10.2026

Between :

Daravath Somani @ Somla.

... Petitioner-accused No.3.

AND

The State of Telangana.

... Respondent

ORDER:

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

2. The petitioner is arrayed as accused No.3 in Crime No.1370 of 2026 on the file of the Uppal Police Station, Malkajgiri District, facing accusations under Section 64(1), 126 (2), 89 read with 3(5) of the *Bharatiya Nyaya Sanhita, 2023* (for short 'BNS'), 5(1) read with Section 6 of the *Protection of Children from Sexual Offences Act, 2012* (POCSO).

3. Heard Mr.Garlapati Prashanth, learned Counsel for the petitioner, and Mr.Syed Yasar Mamoon, learned Assistant Public Prosecutor, representing the respondent-State.

4. The prosecution case, in brief, is that, on 19.09.2026 at 23:00 hrs received a complaint from defacto complainant against accused No.3 stating that accused No.2/mother of the defacto complaint, about eight months prior to the complaint forced her to sleep with accused No.1, who inturn subjected her to sexual assault by threatening to kill her if she resisted or disclosed the matter to anyone. In consequence thereof, the complainant became pregnant and thereafter, the petitioner/accused No.3, along with accused Nos.1 and 2, complainants' aunt's husband approached accused No.7, who is running first aid clinic, suggested to approach accused No.6 and accordingly, all of them along with the complainant, went to accused Nos.4 and 5, who is running a hospital for abortion, where the complainant was made to terminate her pregnancy. Upon the treatment for eight days, *de-facto* complainant said to have informed her elder sisters and on her father's intervention, police report has been lodged and crime came to be registered.

5. Learned counsel for the petitioner submits that the petitioner has no connection whatsoever with the alleged incident and has been falsely implicated in the case. He further submits that there is no specific allegation in the complaint against the petitioner and that accused Nos.1 and 2 are alleged to have been involved in the sexual offence committed against the *de-facto* complainant. The Petitioner and other accused accompanied the complainant to the hospital. He further points out that even as per the entries in the remand case diary, the investigation reveals

that accused Nos.4 and 5 have taken Rs.50,000/- for termination of pregnancy from accused No.1 out of that amount, accused No.6 received Rs.13,000/-, in turn accused No.6 sent Rs.8,000/- to accused No.7. Thus, the petitioner had no financial benefit or any involvement, which he made out of investigation. He further submits that even as per the prosecution material and the study, conduct and date of birth certificate of the complainant, as on the date of alleged sexual assault, she attained majority, as such invocation of POCSO Act may not be fall and also the petitioner being close relative of accused No.2 and *de-facto* complainant, accompanied the hospital and nothing else has been done by him. Thus, the prosecution against the petitioner would be without basis. Nonetheless, learned counsel further submits that the petitioner is ready and willing to cooperate with the investigation. In view of the same and contending that the custodial interrogation of the petitioner is not necessary, learned counsel prays that the petitioner be granted anticipatory bail.

6. Learned Additional Public Prosecutor opposed the submissions of learned counsel for the petitioner and pleaded that the investigation reveal that the petitioner's involvement in taking the victim to the hospital for termination of pregnancy and other aspects as to his involvement is under investigation. The presence of the petitioner for custodial investigation is required for effective investigation in granting of anticipatory bail at this stage may result in non cooperation of the

petitioner for the investigation. Hence, prayed to dismiss the criminal petition.

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

8. The specific allegation against the petitioner is that he along with other accused, had taken the *de-facto* complainant to the hospital for termination of her pregnancy and he assisted the other accused in that course of time. It is a settled position of law that, at the stage of considering anticipatory bail, this Court is not ordinarily expected to undertake a meticulous examination of the truthfulness of the allegations or to record definitive findings on the questions of fact or law, including whether the petitioner was involved in taking the *de-facto* complainant for termination of her pregnancy against her will, which require detailed investigation and to be tested during trial. At this stage, this Court is required to consider, inter alia, the seriousness and gravity of the accusations, the role of the petitioner securing his presence for judicial process and genuine requirement for custodial interrogation. In the instant case, the petitioner's role is limited in assisting the accused and taking the *de-facto* complainant to the hospital in connection with the termination of her pregnancy. Having regard to the allegations against the petitioner and his willingness to cooperate with the investigation and in the absence of any tenable ground warranting custodial interrogation, this Court is of the considered view that the petitioner has made out a

case warranting the exercise of discretionary jurisdiction. Accordingly, the prayer of the petitioner deserves positive consideration; however, subject to certain conditions to secure the cooperation of the petitioner with the investigation.

9. Accordingly, this Criminal Petition is allowed, subject to following conditions.

(A) The petitioner/accused No.3 shall surrender before the Station House Officer, Uppal Police Station, Malkajgiri District, on or before 27.10.2026. Upon such surrender or in the event of arrest the Station House Officer shall release him on bail on execution of 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 satisfaction of the said officer.

(B) The petitioner shall appear before the Investigating officer on every Saturday between 10.00AM to 03.00PM, for a period of eight (08) weeks from the date of their release on bail or until the filing of the final result, whichever is earlier.

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

(D) The petitioner 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 petitioner 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 petitioner 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 petitioner liable to appropriate proceedings before the court below, including cancellation of bail, in accordance with the provisions of the BNSS and other applicable law.

10. 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: 13.10.2026
EDS

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

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