IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.16150 OF 2026

(CNR No.HBHC010680482026)

DATE: 08.10.2026

Between :

Lija Rahul @ Talari Vijay Kumar and others.

... Petitioners-accused Nos.6 to 8

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 petitioners are arrayed as accused Nos.6 to 8 in Crime No.106 of 2026 on the file of the Pulkal Police Station, Sangareddy District, facing accusation under Sections 127(2) and 109 read with 3(5) of the *Bharatiya Nyaya Sanhita, 2023* (for short 'BNS').

3. Heard Mr.C.Sunil Anand, learned Counsel for the petitioners, and Mr.Syed Yasar Mamoon, learned Assistant Public Prosecutor, representing the respondent-State.

4. The prosecution case, in brief, is that on 16.07.2026, at about 4:00 p.m., Accused No. 2 suspected that the two women, the de facto complainant and another woman, who were proceeding on foot along a road, had placed lemon smeared with vermilion (*Kumkum)* near her house as part of a black magic ritual. Upon informing the other accused, who allegedly shared the suspicion, accused Nos. 2 to 10 are stated to have wrongfully restrained the complainant and the other victim, forcibly taken them behind the house of accused No. 3, tied them to a tamarind tree, and assaulted them with sticks and their hands. Thereafter, the victims were allegedly tied to a tractor and subjected to further assault. Upon receiving information about the incident, the police reached the spot and rescued the victims. The prosecution alleges that, but for the timely intervention of the police, the accused might have killed them. The crime was registered on the basis of the allegations arising from the suspicion that the victims were practicing black magic.

5.1. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the case. He contends that, even according to the complaint, no specific overt act has been attributed to the petitioners, apart from their being named as accused. He further submits that, although the allegation is that the complainant and the other victim were assaulted, there is no other material to indicate that the petitioners intended to cause the death of either victim. According to

learned counsel, the allegations, even if taken at face value, do not establish any intention on the part of the petitioners to kill the victims.

5.2. Learned counsel further submits that accused Nos. 1 to 4 and 10 were arrested and subsequently granted regular bail. He contends that, although the petitioners were available in the village, the police did not take any action against them. However, apprehending arrest, the petitioners approached the learned Sessions Court seeking anticipatory bail and, upon dismissal of their petition, have approached this Court by filing the present petition. He further submits that the injuries allegedly sustained by the victims are not of such a grave nature as to indicate an intention on the part of the petitioners to cause their death. It is also contended that the case has been foisted against the petitioners with the ulterior motive of humiliating them and settling political scores. Learned counsel submits that the petitioners are willing to cooperate with the investigation and abide by any conditions that may be imposed by this Court. On these grounds, he prays that the petitioners be granted anticipatory bail.

6. Learned Additional Public Prosecutor opposes the petition, submitting that the petitioners have been specifically named in the complaint. He contends that the petitioners, acting in concert with the other accused, allegedly wrongfully restrained the victims, forcibly took them away, and tied them to a tamarind tree and assaulted with sticks

and hands, followed by the continued assault after the victims were tied to a tractor, indicates the seriousness of the incident and the intention of the accused to kill the victims. According to the prosecution, the timely intervention of the police prevented the incident from resulting in their deaths. The learned Additional Public Prosecutor further submits that the investigation is still in progress and that the presence of the petitioners may be required for the purposes of investigation. He expresses apprehension that, if anticipatory bail is granted, the petitioners may fail to cooperate with the Investigating Agency. Accordingly, he prays that the petition be dismissed.

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

8. The gravamen of the allegations is that the petitioners, along with the other accused, acting on the suspicion of black magic, wrongfully restrained the victims, forcibly took them away, tied them to a tamarind tree and subsequently to a tractor, and assaulted them with sticks and hands, allegedly with the intention of killing them.

9. However, no specific overt act has been attributed to the petitioners individually, apart from identifying them as members of the alleged group. Whether they participated in the assault and shared the requisite common intention or knowledge are matters for investigation and, if necessary, trial. At this stage, this Court is not required to undertake a

meticulous examination of the evidence or record conclusive findings on disputed questions. 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 grant of anticipatory bail requires a judicious, fact-specific assessment of the gravity of the accusation, the role attributed to the applicants, the requirements of investigation, and the protection of personal liberty.

10. In the present case, although the prosecution alleges that the accused shared a common intention to kill the victims, the medical evidence indicates that the victims sustained injuries, including an injury to the left shoulder and bleeding injuries over the body, which were certified as simple in nature. While the nature of the injuries is a relevant consideration, it is not conclusive of the intention or knowledge of the accused. Likewise, the absence of specific overt acts does not, by itself, exclude liability on the basis of common intention, if established by the evidence. The applicability of Section 3(5) of the BNSS, if invoked, remains a matter for determination in accordance with law. This Court expresses no final opinion on the merits of the case.

11. Having regard to the nature of the allegations, the simple nature of the injuries, the absence of specific overt acts attributed individually to the petitioners, and their willingness to cooperate with the investigation, this Court is of the considered view that the petitioners have made out a

case for anticipatory bail. No tenable ground has been demonstrated on the material presently available to establish that their custodial interrogation is indispensable.

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

(A) The petitioners/accused shall surrender before the Station House Officer, Pulkal Police Station, Sangareddy District, on or before 24.10.2026. 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 Wednesday between 10.00AM to 03.00PM, for a period of ten (10) 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 he 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: 06.10.2026
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THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.16150 OF 2026

DATE: 08.10.2026

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