IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

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

CRIMINAL PETITION No.16422 of 2026

CNR.No.HBHC010689602026

DATE: 13.10.2026

BETWEEN:

Bandari Ganesh

.....Petitioner-Accused

And

The State of Telangana,
Through Public Prosecutor,
High Court of Telangana at
Hyderabad.

.....Respondent-Complainant

ORDER

1. This Criminal Petition is filed under Sections 480 & 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') praying this Court to enlarge the petitioner- accused on bail in connection with SC.POCSO.No.154 of 2022 on the file of the learned Fast Tract Special Court for Expeditious Trial and Disposal of Rape and POCSO Act Cases, Wanaparthy.

2. Heard Sri S.Ram Reddy, learned counsel for the petitioner-accused and Sri D. Arun Kumar, learned Additional Public Prosecutor appearing for the respondent–State.

3. Learned counsel for the petitioner submits that non-bailable warrant was issued against the petitioner-accused on 31.12.2025 in SC.POCSO.No.154 of 2022. In the month of August, 2026, petitioner-accused came back to his native place and tried to enquire about the case pending against him, then, he came to know that non-bailable warrant is pending against him in the Sessions Case. Thereby, counsel for the petitioner-accused before the trial Court filed an application under Section 70(2) of Cr.P.C. to recall the non-bailable warrant issued on 31.12.2025. The application came to be numbered as Crl.M.P.No.135 of 2026 and the same is dismissed on 18.09.2026. Thereafter, petitioner-accused has filed Crl.M.P.No.141 of 2026 for the grant of regular bail, the same came to be dismissed vide order dated 28.09.2026, since then he is in jail. P.Ws.1 to 4 are already examined in the Sessions Case and the case is adjourned to 15.10.2026 for the examination of other LWs and prayed to enlarge the petitioner-accused on bail.

4. Learned Additional Public Prosecutor submits that the learned Sessions Court has observed in the order dated 28.09.2026 in Crl.M.P.No.141 of 2026 that the non-bailable warrant is recalled after ten (10) months of issuing. The petitioner-accused is not entitled to be enlarged on bail.

5. Petitioner-accused is tried for the offences under Sections 376 (2) (i) (n) IPC, Section 5 (1) read with Section 6 of the POCSO Act, 2012 and Section 3 (2) (V) of the SC/ST(POA) Act, 2015 in SC.POCSO.No.154 of 2022.

6. A non-bailable warrant came to be issued against the petitioner on 31.12.2025, as he failed to appear before the Sessions Court on the date fixed and the warrant remained pending. Petitioner-accused himself filed Crl.M.P.No.135 of 2026 to recall the non-bailable warrant issued on 31.12.2025, which came to be dismissed vide order dated 18.09.2026. Since then, he is in jail.

7. Petitioner-accused has filed Crl.M.P.No.141 of 2026 for the grant of regular bail, the same came to be dismissed vide

order dated 28.09.2026. It is to be noted here that the learned Sessions Court, while dismissing Crl.M.P.No.141 of 2026 on 28.09.2026, observed in paragraph No.9 that non-bailable warrant is issued against the accused on 31.12.2025, since then the warrant was pending against him without execution, and finally, the accused appeared along with his counsel before the Court on 18.09.2026 and filed a recall petition. Learned Sessions Court further observed in paragraph No.11 of the order that the DNA report of the victim's baby boy, along with the supplementary charge sheet, is also pending and that the trial is also not yet completed, there is a chance for the accused to tamper the evidence of remaining witnesses, and that he is not entitled to be enlarged on bail.

8. Record goes to show that P.Ws.1 to 4 are already examined, which is reproduced in paragraph No.8 of the order dated 28.09.2026 and Sessions Case is posted on 15.10.2026 for examination of other witnesses.

9. It is stated in the charge sheet, in internal page 5, in unnumbered paragraph No.6, that a supplementary charge sheet will be filed after collecting the DNA report. It is to be noted here that the prosecution has commenced its evidence

in the Sessions Case and the prime witnesses are already examined, detaining the petitioner-accused further in judicial custody will not serve the purpose. Hence, the petitioner-accused is entitled to be enlarged on bail, 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 satisfaction of the learned Fast Track Special Court for Expeditious Trial and Disposal of Rape and POCSO Act Cases, Wanaparthy.

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

iii. The petitioner- accused shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.(presently, Section 480(3) of the BNSS).

iv. Petitioner-accused shall appear before the Sessions Court as and when the case is listed and mark his presence. In case of exigency, counsel on record before the learned Trial Court is

permitted to file an application to dispense with the personal appearance of the petitioner-accused.

v. It is made clear that if any of the conditions imposed by this Court are violated, the prosecution is at liberty to file an application for cancellation of the bail.

10. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

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B.R.MADHUSUDHAN RAO, J

Date: 13.10.2026
ssm

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

CRIMINAL PETITION No.11279 of 2026

Date: 25.08.2026

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