**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD**

**THE HONOURABLE SRI JUSTICE N.TUKARAMJI**

**CRIMINAL PETITION No.16424 OF 2026**

**(CNR No. HBHC010689622026)**

**DATE: 14.10.2026**

**Between :**

Kondakanti Elchamma.

**... Petitioners-accused No.5**

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.5 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 petitioner, 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 de facto complainant and another woman, who were proceeding on foot along a road, had placed a lemon smeared with vermilion (*Kumkum*) near her house as part of a black magic ritual. Sharing the said suspicion, accused Nos. 2 to 10 allegedly wrongfully restrained the victims, took them behind the house of accused No. 3, tied them to a tamarind tree, and assaulted them with sticks and hands. They allegedly tied the victims to a tractor and continued the assault. The police reached the spot upon receiving information and rescued the victims. The prosecution alleges that their timely intervention prevented the accused from killing the victims.

5.1. Learned counsel for the petitioner submits that the petitioner is innocent and falsely implicated, as no specific overt act is attributed to her apart from being named as an accused. He contends that the allegations, even if accepted at face value, do not establish any intention on her part to cause the death of either victim, and that the injuries sustained are not sufficiently grave to indicate such an intention.

5.2. Learned counsel further submits that accused Nos. 1 to 4 and 10 were arrested and subsequently granted regular bail, whereas no action was initially taken against the petitioner despite her availability in the village. Apprehending arrest, she approached the learned Sessions Court for anticipatory bail and, upon dismissal of her petition, filed the present

petition. He alleges that the case was foisted against the petitioner with the ulterior motive of humiliating her and settling political scores. Submitting that the petitioner is willing to cooperate with the investigation and abide by any conditions imposed, he prays that she be granted anticipatory bail.

6. Learned Additional Public Prosecutor opposes the petition, contending that the petitioner is specifically named in the complaint and allegedly acted in concert with the other accused in wrongfully restraining, abducting, and assaulting the victims. According to the prosecution, the nature and continuity of the assault indicate an intention to kill the victims, and they survived only due to timely police intervention. As the investigation is still in progress and the petitioner's presence may be required, the learned Additional Public Prosecutor apprehends that she may not cooperate with the Investigating Agency if granted anticipatory bail and, accordingly, seeks dismissal of the petition.

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

8. The specific allegation is that the petitioner, 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. However, no specific overt act

has been particularly attributed to the petitioner individually, apart from identifying her as a member of the alleged group. Whether she 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 meticulously examine the evidence or record conclusive findings on disputed questions.

9. 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 petitioner, the requirements of investigation, and the protection of personal liberty.

10. Although the prosecution alleges a common intention to kill the victims, the medical evidence indicates that they sustained injuries, including an injury to the left shoulder and bleeding injuries over the body, all certified as simple in nature. While the nature of the injuries is relevant, it is not conclusive of the accused's intention or knowledge; likewise, the absence of specific overt acts does not, by itself, exclude liability based on common intention, if established by the evidence. The applicability of Section 3(5) of the BNSS, if invoked, remains to be determined in accordance with law. This Court expresses no final opinion on the merits of the case.

11. However, having regard to the nature of the allegations, the simple nature of the injuries, the absence of specific overt acts attributed individually to the petitioner, and her willingness to cooperate with the investigation, and as no tenable ground is made out, on the material presently available, to establish that her custodial interrogation is indispensable, this Court is of the considered view that the petitioner has made out a case for anticipatory bail.

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

(A) The petitioner/accused No.5 shall surrender before the Station House Officer, Pulkal Police Station, Sangareddy District, on or before 28.10.2026. Upon such surrender or in the event of arrest the Station House Officer shall release her 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 Tuesday and Wednesday between 10.00AM to 03.00PM, for a period of ten (10) weeks from the date of her 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 her 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 he 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.

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: 14.10.2026
mmr

**THE HONOURABLE SRI JUSTICE N.TUKARAMJI**

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