IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

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

CRIMINAL PETITION No.16853 of 2026

(CNR.No. HBHC010709382026)

DATE: 16.10.2026

BETWEEN:

Shiva Rajan Ganeshan. .....Petitioner-Accused No. 2

And

The State of Telangana,
Rep. by its Public Prosecutor,
High Court for the State of Telangana,
Through SHO, P.S., Central Crime Station,
Detective Department, Hyderabad.

.....Respondent

ORDER

1. This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') praying this Court to enlarge the petitioner on bail who is arrayed as accused No. 2 in connection with F.I.R.No.87 of 2025 of Central Crime Station, DD, Hyderabad, registered for the offences punishable under Sections 316(5), 318(4) read with 61(2) of the BNS.

2. Heard Sri Mudideni Raghu, learned counsel for the petitioner-accused No.2 and Sri D. Arun Kumar, learned Additional Public Prosecutor appearing for the respondent–State.

3. Learned counsel for the petitioner submits that the offence of criminal breach of trust requires proof of entrustment of property or dominion over property followed by dishonest misappropriation, conversion or use of contrary to the relevant legal obligation. The case of the prosecution is substantially based on invoices, bank transaction, RTGS records, post-dated cheques, cheque-return memoranda, account statement and business correspondence. Petitioner-accused No.2 is arrested and remanded to judicial custody on 04.09.2026, since then he is in jail. Accused no.1 is arrested on 07.08.2025 and he is enlarged on bail by the learned trial Court on 28.08.2025 within 20 days. Counsel in support of his contention has relied on the decision in the case of Delhi Race Club (1940) Limited and Others v. State of Uttar Pradesh and Another[1], prayed to enlarge the petitioner-accused no.2 on bail.

4. Learned Additional Public Prosecutor submits that the role played by the petitioner-accused No.2 is clearly depicted in the remand case diary.

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[1] (2024)10 SCC 690

5. Sri M.Vinay Agarwal, has lodged a report before Central Crime Station, Hyderabad on 30.07.2025. It is stated in the complaint that accused No.1-Sreetharam Murthy and accused No.2-G.Shiva have the financial capacity to repay the amount, but have intentionally withheld payment, their actions are illegal and amounts to conspiracy, cheating and criminal breach of trust. Basing on the said complaint, FIR came to be registered.

6. Petitioner-accused No.2 is arrested on 03.09.2026 at LKS jewelers, T.Nagar, Chennai, he was brought to CCS and produced before the concerned Magistrate on 04.09.2026 and he is remanded to judicial custody since then.

7. Police has taken the custody of the petitioner-accused No.2 for two days i.e., on 10.09.2026 and 11.09.2026, thereafter he was again remanded to judicial custody.

8. Accused No.1 has filed regular bail petition before the learned trial Court *vide* Crl.M.P.No.2293 of 2025, which came to be allowed on 28.08.2025.

9. In Delhi Race Club (1940) Limited and Others[1], the case is pertaining to quashing of summon order, the facts are completely different to the case on hand, hence the above said judgment is not applicable.

10. Remand case diary goes to show that respondent has altogether examined 10 witnesses in support of the case.

11. It appears from the record that major portion of the investigation is completed, detaining the petitioner-accused No. 2 further in judicial custody will not serve the purpose. This Court is conscious of the fact that petitioner-accused No.2 is resident of Tamil Nadu, if two local sureties are ordered will meet ends of justice. Hence, petitioner-accused No. 2 is entitled to be enlarged on bail, subject to the following conditions:

i. The petitioner-accused No. 2 shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two local sureties for a like sum each to the satisfaction of the XII Additional Chief Judicial Magistrate at Hyderabad.

ii. The petitioner-accused No. 2 shall appear before the concerned SHO between 10 a.m. to 5 p.m., on every Sunday for a period of eight (8) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation, and thereafter, as and when required.

iii. The petitioner-accused No. 2 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.(presently, Section 480(3) of the BNSS).

iv. The petitioner-accused No. 2 shall not directly or indirectly influence, threaten, or induce any of the prosecution witnesses.

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

12. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

B.R.MADHUSUDHAN RAO, J

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