

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.8890 OF 2026

DATE : 23.06.2026

Between:

Gorla Jagadeeshwar.

...Petitioner

AND

The State of Telangana, rep., by its Public Prosecutor, High Court for the State of Telangana, Hyderabad.

...Respondents

ORDER:

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

2. The petitioner is arrayed as Accused in FIR No.118 of 2026 on the file of Elanthakunta Police Station, Rajanna Sircilla District, registered for the offences punishable under Sections 115(2), 296(b) of *Bharatiya Nyaya Sanhita*, 2023 (for short, "BNS"), Sections 3(1)(r)(s), 3(2)(Va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 (for short 'SC/ SC Act').

3. Heard Mr. Katika Ravinder Reddy, learned counsel appearing for the petitioners and the learned Assistant Public Prosecutor representing the respondent-State.

4.1. The prosecution case, in brief, is that the de facto complainant belongs to a Scheduled Tribe community. It is alleged that about three years prior to the present incident, he pledged a gold ornament belonging to his wife with the father of the petitioner and borrowed money. According to the complainant, despite having subsequently repaid amounts towards the principal and accrued interest, the pledged gold ornament was not returned to him.

4.2. It is further alleged that on 06.06.2026 at about 11:30 a.m., the de facto complainant visited the house of the petitioner's father and demanded return of the pledged ornament. At that juncture, the petitioner allegedly abused the complainant in filthy language by intentionally referring to his caste name and thereafter pushed him out through the gate of the house. On the basis of a complaint lodged on 11.06.2026, the present crime came to be registered.

5.1. Learned counsel appearing for the petitioner submits that the allegations are wholly false, motivated, and have been levelled with an oblique intention to exert pressure upon the petitioner in relation to a monetary dispute arising out of the pledge transaction. It is contended

that there is an unexplained delay of five days in lodging the complaint, which casts doubt upon the genuineness of the allegations and lends support to the petitioner's contention that the complaint is an afterthought. It is further submitted that the dispute between the parties essentially emanates from a private financial transaction concerning recovery of a pledged gold ornament and that the criminal proceedings have been instituted to give a colour of criminality to what is substantially a civil dispute.

5.2. Learned counsel for the petitioner further contends that even assuming the allegations in the complaint to be true, the incident is alleged to have occurred within the precincts of the petitioner's residence. It is therefore argued that one of the essential ingredients constituting offences punishable under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act, namely, that the intentional insult or intimidation should occur "in any place within public view", is conspicuously absent.

5.3. In support of the said contention, reliance is placed upon the decisions of the Hon'ble Supreme Court in *Hitesh Verma v. State of Uttarakhand*, (2020) 10 SCC 710, wherein it was held that an insult or abuse occurring within the four walls of a building in the absence of members of the public would not satisfy the requirement of being within "public view". Reliance is also placed upon *Kurup Dayal v. State and Others*, 2025 SCC OnLine SC 215, wherein the Supreme Court

reiterated that the statutory bar engrafted under Sections 18 and 18-A of the Act would not apply where the allegations in the complaint fail to disclose a prima facie offence under the provisions of the Act.

5.4. Learned counsel additionally submits that the dispute pertains to a loan transaction supported by documentary evidence and does not necessitate custodial interrogation. It is stated that the petitioner is a permanent resident of the locality, has no criminal antecedents, and undertakes to cooperate with the investigating agency and abide by any condition that may be imposed by this Court.

6. Per contra, the learned Assistant Government Pleader opposes the petition and submits that the investigation conducted thus far indicates that the incident did not occur exclusively within the interior portion of the house but took place near the entrance gate and on the adjoining cement-concrete (C.C.) road accessible to the public. It is contended that the complaint contains specific allegations of intentional caste-based abuse and humiliation against the petitioner and that the materials collected during investigation prima facie disclose commission of offences punishable under Sections 3(1)(r) and 3(1)(s) of the Act. In such circumstances, it is argued that the statutory embargo contained in Sections 18 and 18-A of the Act would operate, thereby precluding consideration of anticipatory bail. Accordingly, dismissal of the petition is sought.

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

8. The specific allegation contained in the complaint is that on 06.06.2026, at about 11:30 a.m., when the de facto complainant approached the petitioner's father's house seeking return of the pledged gold ornament, the petitioner intentionally abused him by uttering his caste name, used filthy language, and forcibly pushed him outside through the gate.

9. The principal contention advanced on behalf of the petitioner is that the alleged incident occurred within the private confines of the house and, therefore, cannot be construed as an occurrence within "public view". There can be no quarrel with the proposition laid down by the Hon'ble Supreme Court in *Hitesh Verma v. State of Uttarakhand*, (2020) 10 SCC 710, wherein it was observed that an insult or intimidation made inside a building, in the absence of members of the public witnessing the occurrence, would not satisfy the statutory requirement contemplated under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act. Similar principles were reiterated in *Kurup Dayal v. State and Others*, 2025 SCC OnLine SC 215.

10. However, the scope of consideration at the stage of deciding an application for anticipatory bail is limited. The Court is not expected to undertake a meticulous appreciation of evidence or record definitive findings on disputed questions of fact. The complaint, the crime details, and the material presently available indicate, prima facie, that the complainant was allegedly pushed out through the gate and that the incident occurred either at the entrance of the house or on the adjoining C.C. road. Such a place cannot, at this preliminary stage, be conclusively characterized as being outside the ambit of "public view". Whether independent witnesses were present, whether the alleged utterances were audible to members of the public, and whether the ingredients of the offences are ultimately established are matters to be determined during the course of investigation and, if necessary, at trial.

11. The legal position governing the maintainability of anticipatory bail under the Act has been authoritatively settled by the Constitution Bench of the Hon'ble Supreme Court in *Prathvi Raj Chauhan v. Union of India*, (2020) 4 SCC 727, wherein it was held that although Sections 18 and 18-A create a bar against grant of anticipatory bail, such embargo would apply only when the complaint discloses a prima facie case under the provisions of the SC/ST Act. Conversely, where the allegations do not prima facie constitute an offence under the Act, the

Courts are not denuded of their jurisdiction to examine the prayer for anticipatory bail.

12. In the case on hand, having regard to the allegations contained in the complaint and the crime details indicating that the occurrence allegedly transpired near the gate of the house and on the adjoining public road, this Court is of the prima facie opinion that the ingredients constituting offences punishable under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act, cannot be excluded at this stage. Consequently, the statutory embargo contemplated under Sections 18 and 18-A of the Act stands attracted.

13. In view of the foregoing discussion, and considering the limited scope of examination at the stage of pre-arrest bail, this Court is not persuaded to exercise its discretionary jurisdiction in favour of the petitioner. The extraordinary relief of anticipatory bail, therefore, cannot be granted.

14. Accordingly, the Criminal Petition is dismissed. Miscellaneous applications, if any pending, shall stand closed.

Date: 23.06.2026

N.TUKARAMJI, J

MRKR