



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2025
(@ SLP(CRL.) NO.14658/2024)

MEKALA THIRUPATHANNA

APPELLANT

VERSUS

THE STATE OF TELANGANA

RESPONDENT

O R D E R

Leave granted.

This appeal challenges the judgment and order dated 01.10.2024 passed by the High Court for the State of Telangana at Hyderabad in Criminal Petition No.9858 of 2024.

The appellant herein has been booked for the crime registered pursuant to Crime No. 243 of 2024 dated 10.03.2024 lodged with Police Station Panjagutta, District Hyderabad, with respect to offences punishable under Sections 166, 409, 427, 201, 120(B) read with 34 of the Indian Penal Code, 1860, Section 3 of Public Property (Prevention of Damage) Act, 1985 and Sections 65, 66, 66(F) (1)(B)(2) and 70 of the Information Technology Act, 2000.

An application seeking regular bail having been rejected by the High Court *vide* impugned order dated 01.10.2024, the appellant has preferred the instant appeal.

By order dated 23.10.2024, this Court issued notice to the respondent.

Heard learned senior counsel for the appellant in support of the appeal and learned senior counsel for the respondent-State and perused the material on record.

Learned senior counsel for the appellant submitted that the appellant/accused No.4 is Additional Superintendent of Police working in the Special Intelligence Bureau (SIB) and was incharge of United Front Team (City Team) comprising of thirty police officers including Inspectors and Sub-Inspectors whose official duty as directed was to carry out surveillance over urban naxals through field and electronic means. Therefore, while discharging his duties the appellant was arrested on frivolous allegations; that the appellant is in jail for the last ten months and there is no reason as to why his continued incarceration is required when the chargesheet has already been filed but the trial is yet to commence. Having regard to the nature of the trial and the number of witnesses to be examined, the trial would inevitably be delayed. The appellant has only about a year of service and is on the verge of superannuation. Bearing all these aspects, this Court may grant the relief of bail to the appellant herein by setting aside the impugned order. It was also submitted that appropriate conditions may be imposed on the appellant herein including for cooperating with the trial of the matter.

Per contra, learned senior counsel appearing for the respondent-State vehemently objected to the grant of relief to the appellant herein. He submitted that while the instructions issued to the appellant for the discharge of his duties in the Special Intelligence Branch were certain, the appellant herein went beyond the nature of his duties and mandate of law and therefore he has been rightly incarcerated as there has been gross abuse of his authority as well as the process of law; that within a period of four months, the investigation remaining will be concluded as against the appellant herein and therefore any release of the appellant at this stage would prejudice the investigation. He therefore, submitted that the appeal may be dismissed.

Considering the facts on record, in our view, the case for bail is made out.

We, therefore, allow this appeal and direct as under:

"The appellant shall be produced before the concerned Trial Court as early as possible and the Trial Court shall release him on bail, subject to such conditions as it may deem appropriate to impose to ensure his presence in the proceedings arising out of Crime No. 243 of 2024 dated 10.03.2024 mentioned above."

It is directed that the appellant shall extend complete cooperation in the ensuing investigation as well as trial.

The appellant shall not cause any delay; not to misuse his liberty and shall not in any way influence the witnesses or tamper with the material on record.

Any infraction of the conditions shall entail cancellation of bail granted to the appellant.

With the aforesaid directions, the Criminal Appeal is allowed.

Pending application(s), if any, shall stand disposed of.

....., J
(B.V. NAGARATHNA)

....., J
(SATISH CHANDRA SHARMA)

NEW DELHI
JANUARY 27, 2025

ITEM NO.5

COURT NO.8

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (CRL.) NO(S).14658/2024
[ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 01-10-2024
IN CRP NO. 9858/2024 PASSED BY THE HIGH COURT FOR THE STATE OF
TELANGANA AT HYDERABAD]

MEKALA THIRUPATHANNA

PETITIONER(S)

VERSUS

THE STATE OF TELANGANA

RESPONDENT(S)

(IA NO.243839/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

Date : 27-01-2025 This petition was called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s): Mr. Siddhartha Dave, Sr. Adv.
Mr. Dama Sheshadri Naidu, Sr. Adv.
Mr. P. Mohith Rao, AOR
Ms. J Akshitha, Adv.
Mr. J Anudeep, Adv.
Mr. Shaik Sohil Akthar, Adv.
Mr. Eugene S Philomene, Adv.
Mr. Nakul Chengappa, Adv.
Ms. Arundhati, Adv.
Ms. K.m.s. Sivani, Adv.

For Respondent(s): Mr. Sidharth Luthra, Sr. Adv.
Ms. Devina Sehgal, AOR
Mr. Samba Shiva Reddy, Adv.
Mr. Kumar Vaibhaw, Adv.
Ms. Somaya Gupta, Adv.
Mr. Sahir Seth, Adv.
Mr. Suhail Ahmed, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

Appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed

of.

(B. LAKSHMI MANIKYA VALLI)
COURT MASTER (SH)

(DIVYA BABBAR)
COURT MASTER (NSH)

(signed order is placed on file)