APHC010381582026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3521]**
(Special Original Jurisdiction)

MONDAY, THE 17th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 6183/2026

Between:

1. TAMMINENI VENKATA SRIRAM CHIRANJEEVI NAGU, S/O. TAMMINENI SITARAM, AGED ABOUT 36 YEARS, OCC BUSINESS R/O. D.NO.16-2-99/1, AMADALA VALASA, SRIKAKULAM, ANDHRA PRADESH.
2. TAMMINENI SITARAM, S/O. LATE SRIRAMA MURTY, AGED ABOUT 71YEARS OCC POLITICIAN EX. MLA 6B FORMER SPEAKER OF THE AP LEGISLATIVE ASSEMBLY, R/O. D.NO. 16-2-99/1, 8TH WARD,PALAKONDA ROAD, NEAR FLYOVER BRIDGE,ARNADALAVALASA, SRIKAKULAM DISTRICT,AN
3. TAMMINENI VANI, W/O TAMMINENI SITARAM,S/O. LATE SRIRAMA MURTY, AGED ABOUT 71YEARS OCC POLITICIAN EX. MLA 8S FORMER SPEAKER OF THE APLEGISLATIVE ASSEMBLY, AGED ABOUT 65 YEARS R/O. D.NO. 16-2-99/1, 8TH WARD, PALAKONDA ROAD, NEAR FLYOVER BRIDGE ARNADALAVALASA, SRIKAKUL

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY THE STATION HOUSE OFFICER,SRIKAKULAM RURAL POLICE STATION, SRIKAKULAM DISTRICT,REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF ANDHRAPRADESH AT AMARAVATI.
2. SRI KATTA JAIKISHORE, S/O. KANAKA LINGESWARA RAO,AGED ABOUT 53 YEARS, R/O. BALAJI NAGAR,KUKATPALLY, HYDERABAD.

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused(S):

1. SRIPATHI RAVI TEJA

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

The Court made the following:

ORDER:

The Criminal Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS') by the Petitioners/Accused Nos.5, 6 & 7 for granting of pre-arrest bail in connection with Crime No.147 of 2026 of Srikakulam Rural Police Station, Srikakulam District, was registered for the alleged offence punishable under Sections 447, 427, 417, 419, 420, 463, 467, 468, 471 read with 120b of the Indian Penal Code, 1860 (for brevity 'the I.P.C.,').

2. Sri C.Raghu, learned Senior Counsel appearing on behalf of Sri Sripathi Ravi Teja, learned Counsel for the Petitioners submits that the invocation of Section 467 of 'the I.P.C.,' in the present case is wholly misconceived, inasmuch as the alleged fabrication pertains only to a death certificate and a legal heir certificate, neither of which can be construed as a "valuable security" within the meaning of Section 30 of 'the I.P.C.' A legal heir certificate is merely declaratory in nature, identifying heirs without conferring or extinguishing proprietary rights, and a death certificate is but a record of fact. Thus, the essential ingredients of Section 467 of 'the I.P.C.,' are conspicuously absent.

The allegations, even if taken at face value, disclose at best a civil dispute regarding title and possession, already the subject matter of O.S.No.14 of 2024 before the competent Civil Court. The unexplained delay of more than two years in lodging the complaint, subsequent to the institution of the civil suit, further demonstrates that the criminal proceedings are a *mala fide* attempt to convert a civil controversy into a criminal prosecution, thereby amounting to abuse of process of law.

3. It is further submitted that the execution of the sale deed in favour of Petitioner/Accused No.5 in 2023, even assuming the vendor lacked title, cannot amount to forgery under 'the I.P.C.,' for absence of title is a matter of civil adjudication and not a criminal offence. Except for Section 467 of 'the I.P.C.,' the remaining offences alleged are punishable with imprisonment below seven years. The Petitioners are respectable citizens, permanent residents with deep roots in society, and *bona fide* purchasers for valid consideration, having discharged the sale consideration through gold loans from HDFC Bank and IDBI Bank and sale of other lands, as evidenced by documents filed herewith. Their custodial interrogation is wholly unnecessary, the case resting upon documentary evidence already in the possession of the investigating agency. The Petitioners have already invoked the jurisdiction of this Court by filing Criminal Petition No.6091 of 2026 seeking quashing of the FIR, which is pending consideration. In these circumstances, and in view of authoritative pronouncements that arrest should be the last option, it is urged

that this Court may be pleased to enlarge the Petitioners/Accused Nos.5, 6 and 7 on anticipatory bail in the event of their arrest in Crime No.147 of 2026 and allow the Criminal Petition.

4. Sri M.Lakshmi Narayana, learned Public Prosecutor, while vehemently opposing the relief of pre-arrest bail, submits that the allegations disclosed in the complaint, FIR and material collected during investigation reveal the commission of grave and serious cognizable offences involving a carefully orchestrated conspiracy for fabrication of public documents, including a false death certificate and a fraudulent legal heir certificate, with the ultimate object of usurping valuable immovable property. It was submitted that the investigation has unearthed material demonstrating the active participation of the accused in a larger design to create and utilize forged documents for securing unlawful gain. The offences alleged under Sections 467, 468, 471, 420 and 120-B of 'the I.P.C.,' strike at the sanctity of public records and have far-reaching consequences upon public faith in governmental documentation. The learned Public Prosecutor further argued that the Petitioners had not cooperated with the investigation from the very inception and had remained unavailable after registration of the crime, thereby obstructing the progress of investigation. In such circumstances, custodial interrogation assumes considerable significance for unearthing the full conspiracy, identifying the source of the fabricated documents, tracing the involvement of other participants and collecting further incriminating material. Reliance was placed

on **Sekendar Sheikh v. State of West Bengal**[1], wherein the Hon'ble Supreme Court emphasized that offences relating to forgery of valuable documents constitute distinct and independent criminal acts warranting serious consideration.

5. The learned Public Prosecutor further relied upon the judgment of the Hon'ble Supreme Court in **Srikant Upadhyay v. State of Bihar**[2], to submit that anticipatory bail is an extraordinary remedy and not a matter of course. It was submitted that grant of pre-arrest protection in serious offences may severely prejudice the investigation and create a real possibility of tampering with evidence or influencing witnesses. The learned Public Prosecutor argued that persons who evade investigation and fail to cooperate with the Investigating Agency are not entitled to the equitable and discretionary relief of anticipatory bail. It was also brought to the notice of the Court that the principal accused had already surrendered before the learned Jurisdictional Magistrate and was enlarged on regular bail through due process of law. Furthermore, pursuant to the interim directions earlier issued by this Court in I.A.No.1 of 2026 dated 27.07.2026, Accused Nos.6 and 7 were directed to appear before the Investigating Officer and cooperate with the investigation, thereby demonstrating that the investigation was actively progressing. The learned Public Prosecutor therefore urged that any grant of anticipatory bail at

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[1] MANU/SC/0058/1963
[2] (2024) 12 SCC 382

this stage would adversely affect the fair, complete and effective investigation of the crime and urged for dismissal of the Criminal Petition.

6. Heard Sri C.Raghu, learned Senior Counsel appearing on behalf of Sri Sripathi Ravi Teja, learned Counsel for the Petitioners and Sri M.Lakshmi Narayana, learned Public Prosecutor. Perused the record.

7. The principal allegation against Accused Nos.6 and 7 is not that they either fabricated the alleged forged documents, executed the disputed sale deeds, attested the transactions, or directly derived any proprietary benefit therefrom. Their involvement is sought to be projected essentially on the basis of allegations that they were allegedly present during certain deliberations in which the alleged conspiracy was stated to have been conceived. The nature of accusation against Accused Nos.6 and 7 therefore stands on a distinctly different footing from the allegations levelled against the principal actors in the transaction.

8. It is a settled principle of criminal jurisprudence that while considering a petition seeking pre-arrest bail, the Court is not expected to conduct a roving enquiry into disputed questions of fact nor meticulously appreciate the evidentiary material collected during investigation. As observed by the Hon'ble Apex Court in **Gurbaksh Singh Sibbia v. State of Punjab**[3], the jurisdiction relating to anticipatory bail is intended to protect individual liberty against unwarranted arrest and must be exercised on the basis of the peculiar facts

[3] (1980) 2 SCC 565

and circumstances of each case. The Court is therefore required to assess whether custodial interrogation is genuinely warranted and whether denial of liberty is justified at the stage of investigation.

9. A careful examination of the record discloses that more than two and a half years prior to registration of the present crime, the *de-facto* complainant had already instituted O.S.No.14 of 2024 seeking declaration of title, eviction, recovery of possession and other consequential reliefs in respect of the very same property which forms the subject matter of the present criminal proceedings. The existence of such antecedent civil litigation is a relevant circumstance which cannot be lightly ignored while considering the prayer for anticipatory bail, particularly when the allegations arise out of competing claims over immovable property. The prolonged delay in initiating criminal proceedings after commencement of civil litigation undoubtedly constitutes a circumstance requiring deeper scrutiny during the course of investigation and trial.

10. Significantly, it is noticed that although serious allegations are now sought to be levelled against Accused Nos.6 and 7, the *de-facto* complainant did not choose to implead them as defendants in the aforesaid civil suit. Equally significant is the fact that the complaint which culminated in registration of the FIR does not specifically mention the names of Accused Nos.6 and 7. Their involvement appears to have surfaced subsequently during investigation through statements purportedly recorded from certain witnesses.

Such circumstances assume importance while evaluating the necessity of custodial interrogation and the requirement of balancing investigative interests against personal liberty.

11. At this stage, the contention advanced on behalf of the Petitioners regarding the applicability of the offences of forgery also deserves *prima facie* consideration. In **Sheila Sebastian v. R. Jawaharaj**[4], the Hon'ble Supreme Court authoritatively held that before a person can be proceeded against for forgery, the foundational ingredients contained under Sections 463 and 464 of 'the I.P.C.,' must be satisfied and unless a false document is shown to have been made in the manner contemplated by law, the offence of forgery remains incomplete. The said principle reinforces the proposition that the existence of a disputed document by itself may not automatically attract the offence of forgery without satisfaction of statutory requirements.

12. Equally relevant is the principle laid down by the Hon'ble Supreme Court in **Mohd. Ibrahim v. State of Bihar**[5], wherein it was held that execution of a document by a person claiming property as his own, even assuming that he lacks lawful title thereto, would not by itself constitute creation of a false document within the meaning of Section 464 of 'the I.P.C.' Consequently, if the document does not satisfy the legal requirements of a false document, the offences punishable under Sections 467 and 471 of 'the I.P.C.,' may not automatically stand attracted. Though this Court refrains from expressing any

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[4] (2018) 7 SCC 581
[5] (2009) 8 SCC 751

final opinion on the merits of such contentions, the said principles nevertheless indicate that the issues raised by the Petitioners require detailed examination and cannot be conclusively determined at the stage of consideration of anticipatory bail.

13. The learned Public Prosecutor has placed strong reliance upon **Sekendar Sheikh** *supra*, to contend that forgery of valuable security constitutes a serious offence and that the evidence relating thereto must be evaluated independently. There can be no quarrel with the proposition laid down therein. Likewise, reliance has been placed upon **Srikant Upadhyay** *supra*, wherein the Hon'ble Supreme Court reiterated that anticipatory bail is an extraordinary remedy and that courts must exercise caution while granting such relief in serious criminal cases. This Court fully subscribes to the said legal principles. However, even the aforesaid decisions recognize that the question of grant of anticipatory bail ultimately depends upon the peculiar facts and circumstances of each individual case and the role attributed to each accused.

14. This Court is also mindful of the observations of the Hon'ble Supreme Court in **Sushila Aggarwal v. State (NCT of Delhi)**[6], wherein it was held that while considering a request for anticipatory bail, the Court must evaluate the nature and gravity of accusation, the precise role attributed to the accused, the possibility of tampering with evidence, the likelihood of influencing

[6] (2020) 5 SCC 1

witnesses, and the necessity of safeguarding a fair and effective investigation. Applying the aforesaid principles to the facts of the present case, this Court finds that the allegations against Accused Nos.6 and 7 are not of such nature as would inevitably necessitate their custodial detention, particularly when adequate safeguards can be imposed to secure their cooperation.

15. It is further pertinent to note that by an elaborate order dated 27.07.2026 in I.A.No.1 of 2026, this Court had directed Accused No.6 to appear before the Investigating Officer and cooperate with the investigation. Similar directions were also issued in respect of Accused No.7 requiring cooperation with the Investigating Agency. The learned Public Prosecutor has fairly submitted that Accused No.1 had already surrendered before the learned Jurisdictional Magistrate and was enlarged on bail. The materials now placed before this Court do not disclose any circumstance demonstrating wilful violation of the directions previously issued by this Court or any deliberate attempt on the part of Accused Nos.6 and 7 to obstruct the course of investigation after passing of the interim order. Their continued availability for interrogation can therefore be adequately secured by imposing suitable conditions.

16. Having regard to the totality of facts and circumstances, namely, the limited and peripheral role attributed to Accused Nos.6 and 7, the absence of allegations that they executed or attested the disputed documents, the pendency of antecedent civil litigation concerning the subject property, the

omission to implead them in the civil proceedings, the absence of specific reference to their names in the original complaint, the legal principles enunciated in **Sheila Sebastian**, **Mohd. Ibrahim**, **Gurbaksh Singh Sibbia** and **Sushila Aggarwal** *supra*, the fact that the investigation substantially revolves around documentary evidence, and the necessity of preserving the delicate balance between the fundamental right to personal liberty and the legitimate requirements of investigation, this Court is inclined to grant pre-arrest bail to the Petitioners/Accused Nos.6 & 7, with some stringent conditions.

17. In the result, the Criminal Petition is allowed with the following conditions:

i. In the event of arrest, the Petitioner Nos.2 & 3/Accused Nos.6 & 7 shall be enlarged on bail subject to them executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties each for the like sum each to the satisfaction of the arresting police officials;

ii. The Petitioner Nos.2 & 3/Accused Nos.6 & 7 shall make themselves available for investigation as and when required;

iii. The Petitioner Nos.2 & 3/Accused Nos.6 & 7 shall not cause any threat, inducement or promise to the prosecution witnesses;

iv. The Petitioner Nos.2 & 3/Accused Nos.6 & 7 shall appear before the Station House Officer concerned once in a week i.e., on every Saturday between 10.00 a.m. and 5.00 p.m., till filing of the charge sheet.

v. The Petitioner Nos.2 & 3/Accused Nos.6 & 7 shall not leave the limits of the Andhra Pradesh without the express permission from the Station House Officer concerned.

vi. The Petitioner Nos.2 & 3/Accused Nos.6 & 7 shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court.

DR. Y. LAKSHMANA RAO, J

Date: 17.08.2026
VTS