

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.12741 of 2024

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner/Accused No.1 seeking bail in the event of his arrest in connection with FIR.No.1108 of 2024 dated 03.10.2024 before the Jawahar Nagar Police Station, Rachakonda Commissionerate, registered for the offences punishable under Sections 336(3), 340(2), 318(4) read with Section 3(5) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The brief facts of the case are that the respondent No.2/*de facto* complainant lodged a complaint stating that the Secretary of Bhavana Rishi Cooperative Building Society, along with Treasurer who is petitioner/accused No.1 had executed sale deed *vide* document bearing No.2228 of 2018 dated 19.04.2018 in

favour of one Smt Kokkula Laxmi and sold out the part of park land admeasuring 120 square yards adjacent to plot No.289/J with material representation by naming it as plot No.303/H2 and creating a fake layout. As per the registered document bearing No.901/2010 of plot No.289/J it is clearly mentioned in the schedule boundaries that the western side boundary is park which was gifted to GHMC *vide* document No.3564/2009 dated 30.11.2009 but the said Society had fraudulently created fake layout by showing the park land as 303/112 and allotted the same to its member by name Smt Kokkula Laxmi by way of executing sale deed dated 19.04.2018. On receipt of the said complaint the Police registered case against the petitioner arraying him as accused No.1.

3. Heard Sri Sai Sumed Yasaraswini Kondapalli, learned counsel for petitioner, and Sri Syed Yasar Manoon, learned Additional Public Prosecutor appearing on

behalf of the respondent No.1-State. None appeared for respondent No.2.

4. Learned counsel for petitioner submitted that the allegations leveled against the petitioner in the complaint are false and baseless, and that the registration of the crime was done without conducting any preliminary inquiry. He contended that the respondent No.2 had wrongly implicated the petitioner in the case, and that the actual issue is with regard to dispute between the Society and a third party. While advocating that the petitioner is entitled for grant of anticipatory bail, learned counsel asserted that the petitioner undertakes to cooperate with the police and abide by any conditions imposed by the Court for grant of relief of pre-arrest bail to protect his liberty.

5. On the other hand, the learned Additional Public Prosecutor, vehemently opposed the submissions made by learned counsel for petitioner and submitted that petitioner had allegedly registered public property in the

name of private persons by fabricating documents and that the same requires investigation. Therefore, prayed this Court to dismiss the criminal petition.

6. Having regard to the rival submissions made and on going through the material placed on record, it is noted that the petitioner held the post of Treasurer in the Society and he had allegedly got registered the park property belonging to GHMC Authority, in the name of private person. It is seen that as per the bye laws of Society, petitioner had only executed a registered sale deed and the Committee had taken decision to allot the said plot to a private person. That be so, it is evident that the said decision was not taken by petitioner. Even otherwise, this Court is of the opinion that the investigation in the matter would be based on documentary evidence, therefore, petitioner is entitled for grant of anticipatory bail.

7. Accordingly, this petition is allowed granting anticipatory bail to the petitioner subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer of Jawahar Nagar Police Station, Rachakonda Commissionerate, within two weeks from today, and on such surrender, the said Station House Officer shall release him on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.
- ii. The petitioner shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and co-operate with the

Investigating Officer in
investigating the case.

Miscellaneous applications, if any pending, shall
stand closed.

K. SUJANA, J

Date: 21.11.2024
PT

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