

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13466 of 2024

ORDER:

This Criminal Petition is filed under section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of pre-arrest bail to the petitioner who is arrayed as accused No.1 in Crime No.303 of 2024 of Maheshwaram Police Station for the alleged offence under Sections 419, 420, 467, 468, 471, 506 of the Indian Penal Code, 1860 (for Short "IPC").

2. The brief facts of the case are that the complainant along with three others have purchased an agricultural land bearing Sy.No.182 admeasuring Ac.10.29 guntas situated at Nagaram village, Maheshwaram Mandal through registered sale deed vide document No.24224/2018 dated 21.12.2018. Originally, the subject land was owned by Smt. Khader Unissa, Sri Mohd. Munawar Khan and Smt. Muppidi Geetha which was succeeded by Smt.Khader Unissa through her father by way of succession in pursuance of hiba dated 15.04.2004 and accordingly her name was mutated in concerned revenue records. Further, it is the case that A-1

and others had fabricated a registered sale deed vide document No.1028 of 1976 dated 15.03.1976 alleged to be executed by Nawab Mohammed Haji Khan father of their vendor and basing on it the petitioner executed irrevocable General Power of Attorney dated 07.03.2022 in favour of A-2 and A-3, filed the document and obtained a direction to mutate their names in the revenue records.

3. Heard Sri Mohd. Khaled Mushtaq, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Manoon, learned Additional Public Prosecutor appearing on behalf of the respondent No.1-State.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and he is no way connected with the alleged forgery in the 1976 document and in this view directed to mutate the name of the petitioner in the Dharani portal as such the allegations against the petitioner is baseless and hence prayed for grant of anticipatory bail to the petitioner.

5. On the other hand, learned Additional Public Prosecutor submitted that the investigation is in progress and already 18 witnesses are examined and the petitioner herein is not co-

operating with the investigation and still absconding, as such he prayed to dismiss the petition.

6. Having heard the learned counsel for the petitioner and learned Additional Public Prosecutor, taking into account the allegations against this petitioner that he fabricated the document No.1028/1976, it is apparent that there are civil disputes between the parties and the petitioner herein had already approached this Court in W.P.No.3138 of 2024. In view of the facts and circumstances of the case, this Court deems that this it is not a fit case for custodial interrogation of the petitioner. Therefore, this Court is of the considered view that it is a fit case for grant of anticipatory bail to the petitioner.

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 P.S. Maheshwaram, 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.
- iii. The petitioner shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) weeks, for the purpose of investigation, and thereafter, as and when required or till filing of charge sheet, whichever is earlier.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date:04.12.2024
VRKS

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