

THE HON'BLE SRI JUSTICE K.SUJANA
CRIMINAL PETITION No.13521 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.3 seeking bail in the event of his arrest in connection with Crime No.809 of 2024 on the file of the Mailardevpally Police Station, Cyberabad District, registered for the offences punishable under Sections 331(5), 115(2), 351(2) read with 3(5) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The brief facts of the case are that the *de facto* complainant lodged complaint against the petitioner stating that her mother had two daughters and one son and all of them got married and that she was staying in the house of her mother and her brother who is petitioner/accused used to stay separately. In the year 2020 he approached the *de facto* complainant and assured her that he would be giving the house of their

mother to her by taking Rs.3 lakhs and after payment of the same, the *de facto* complainant learnt that the said house was registered in the name of two wives of petitioner/accused and that the petitioner and his two wives began to harass her to vacate the house. That being the backdrop, on 27.09.2024, the *de facto* complainant filed petition against her brother i.e., petitioner/accused No.3, and his two wives/accused Nos.1 and 2 leading to the registration of Crime No. 784/2024. Subsequently, on 17.10.2024 at 15:30 hours, the accused persons came to the residence of *de facto* complaint where she and her husband, Vijay Anand, were present and initiated a quarrel, broke into the house using a shovel, damaging the main door, kitchen window, and bathroom. The *de facto* complainant and her husband were physically assaulted and threatened by petitioner and his two wives intending to occupy the house.

3. On receipt of said complaint, the Police registered case against the petitioner for the offences punishable under Sections 331(5), 115(2), 351(2) read with 3(5) of BNS arraying him as accused No.3. Aggrieved thereby, this petition is filed.

4. Heard Sri Jetty Anjaneyulu, learned counsel for the petitioner, and learned Additional Public Prosecutor for the respondent-State. Perused the record.

5. The learned counsel for the petitioner submitted that the police, without conducting a preliminary inquiry or possessing valid proof, registered the crime under influence from the *de facto* complainant. He contended that the matter is civil in nature, but the complainant and police converted the same into a criminal case. He lamented that the complaint averments are false and baseless, and that the petitioner did not sell the house to the complainant. He averred that no receipts or agreements were provided, yet the police registered the crime. He asserted that petitioner is a reputable

photographer who will suffer reputational damage due to this false case. Further, the house in question is registered in the name of petitioner, allotted by AP Housing Board, Hyderabad, and was sold to his wives vide registered deeds. He divulged that petitioner is the sole breadwinner with school-going children, permanent resident of Hyderabad, and willing to cooperate with the investigation. Further, accused 1 and 2 have already obtained bail. Therefore, prayed this Court to allow the petition, granting anticipatory bail to petitioner.

6. Learned Additional Public Prosecutor submitted that the investigation in the matter is under progress and the petitioner is absconding at present.

7. Having regard to the rival submissions made and on going through the material placed on record, it is noted that the material witnesses are already examined, including the Investigating Officer. Further, the accused Nos.1 and 2 were arrested on 18.10.2024 and were subsequently released on bail by the trial Court.

Therefore, this Court deems it appropriate to grant relief of anticipatory bail to the petitioner/accused No.3, subject to following conditions:-

- 1) The petitioner/accused No.3 is directed to surrender before the Station House Officer, Mailardevpally Police Station, Cyberabad District, within two weeks from today, and on such surrender, the said Station House Officer shall release the petitioner/accused No.3 on pre arrest bail on executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to his satisfaction.
- 2) On such release, the petitioner/accused No.3 shall appear before the concerned police as and when required for the purpose of investigation.
- 3) The petitioner/accused No.3 shall abide by the other conditions stipulated in Section 482(2) of BNSS and shall co-operate with the Investigating Officer in investigating the case.

8. Accordingly, the Criminal Petition is allowed.
Miscellaneous applications, if any pending in this
criminal petition, shall stand closed.

K. SUJANA, J

Date : 14.11.2024
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