

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13558 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 are arrayed as accused No.1 in Crime No.228 of 2022 of Abid Road Police Station, Hyderabad.

2. The brief facts of the case are that the de facto complainant, K. Appa Rao, filed a complaint on 02.08.2022, at Abid Road Police Station, alleging that he owns a house property D.No.1-7-163 in Chaitanyapuri, Kothapet village. He offered to sell it to the petitioner for Rs.1,30,00,000/-. The petitioner paid Rs.4,00,000/- and gave 14 cheques, which bounced due to insufficient funds. During his USA trip, the petitioner and her family allegedly forged his signature, created a fake sale agreement, dated 28.01.2021, and misused property documents to obtain Rs.1,45,21,000/-. They falsely acknowledged receiving Rs.47,79,000/- and withdrew the amount, clearing loans for K.Saroj Nobel and

T.Gopal Shravanthi. When he returned, the petitioner agreed to pay a penalty for delay and issued a Rs.50 lakh cheque, which was dishonored due to insufficient funds. Basing on the said complaint, the Police registered a case in Crime No.228 of 2022.

3. Heard Sri K. Ravikanth, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing on behalf of the respondent.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and falsely implicated in the case and that petitioner was ready to fulfill her obligations under the agreement of sale for Rs.1,34,00,000/-, but the de facto complainant sought to avoid payment and extort excess amounts. The petitioner filed a civil suit O.S.No.135 of 2022 seeking specific performance, which is underway. The complainant lodged a false counter-case with unsubstantiated allegations. Despite receiving notice under Section 41-A of Cr.P.C., the police influenced by the complainant, added IPC Section 120-B upon the arrest of co-accused. Therefore, the allegations leveled against the petitioner are false and

requested the Court to grant anticipatory bail by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the bail petition stating that the allegations leveled against the petitioner are serious in nature, 21 witnesses were examined and the investigation is still pending, as such, at this stage, granting of bail to the petitioner does not arise and he prayed the Court to dismiss the criminal petition.

6. After reviewing submissions made by both the learned counsel and perusing the record, the complaint reveals that there is a civil dispute between the parties, and the suit is pending between them. Further, the material part of the investigation is completed and 21 witnesses were examined. Considering these factors, the Court deems it fit to grant pre-arrest bail to the petitioner with the following conditions:

- i. The petitioner shall surrender before the Station House Officer of Abid Road Police Station, 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.

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand
closed.

K. SUJANA, J

Date: 20.11.2024
SAI

THE HONOURABLE SMT JUSTICE K. SUJANA

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Date: 20.11.2024

SAI