THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.15045 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.2 in Crime No.524 of 2024 of Attapur Police Station, Cyberabad.

2. The brief facts of the case is that on 22.07.2024, the *de facto* complainant lodged a report before the Police stating that on 30.06.2024, he has visited his property and found some persons and construction work is going on and when the *de facto* complainant questioned them, one Faruddin has informed that the said land belongs to him and shown the Photostat copy of absolute agreement of sale document, dated 23.02.2022, which was executed by Sri P.Madhusudhan Reddy and Mohd. Riyazuddin in favour Mujahd Ahmed Khan and the same was informed his mother. Mr. Faqruddin Iqbal and Samad who were no way concerned with the property, with a malafide intention to grab his property created forged and fabricated documents. He again visited his property and

found those persons in the land and they were armed with deadly weapons and threatened him with dire consequences. Based on the said complaint, a case was registered vide Crime No.524 of 2024 before the Attapur Police Station, Cyberabad, for the offences punishable under Sections 420, 447, 467, 468, 471, 386 read with 34 of IPC.

3. Heard Sri M.M.Ahmed Khan, 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 *firstly* submitted that accused No.1 was already released on anticipatory bail *vide* Crl.P.No.12688 of 2024, dated 29.10.2024. He *secondly* submitted that the petitioner is innocent and he is no way concerned with the alleged offences. He *thirdly* submitted that that the matter is purely civil in nature and instead of approaching the competent Civil Court, complainant filed the present criminal complaint by converting the civil proceedings into criminal only to harass the petitioner and all the material witnesses were examined. Therefore, he prayed the Court to

grant of anticipatory bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that investigation is not yet completed and the dispute between the parties is civil in nature, therefore, granting bail to the petitioner, at this stage, does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. After considering submissions of both the parties and material available on record, it is evident that the matter is purely civil in nature. Considering the facts and circumstances of the case, Since accused No.1 has already granted anticipatory bail and as major part of the investigation is completed, this Court is of the considered view that it is a fit case for granting 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.Attapur,

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 petitioners shall appear before the concerned Station House Officer on every Monday between 9:00 A.M. to 5:00 P.M., for a period of eight (08) weeks or till filing of charge sheet whichever is earlier.

iii. The petitioners shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 17.12.2024
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