

THE HON'BLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION NO.15301 OF 2024

This criminal petition is filed by the petitioner/A.3 seeking his enlargement from jail in connection with Cr.No.79 of 2024 of E.O.W. Police Station, Cyberabad, Hyderabad. The offences alleged against the petitioner are under Sections 318 (4), 316 (5), 338, 336 (3) 340 (2) and 61 (2) of Bharatiya Nyaya Sanhita, 2023.

2. The case of the prosecution is that the defacto complainant-the Deputy Collector and Tahsildar, Serlingampally Mandal, Ranga Reddy District addressed a letter to the D.C.P, E.O.W Cyberabad Police Station alleging that a Development Agreement-cum-Irrevocable General Power of Attorney (D.A.G.P.A) executed by Accused Nos.1, 4, 5, 6, 7 and 8 in favour of Geek Builders L.L.P., had been allowed by the Joint-Sub Registrar, Registrar Office, Ranga Reddy District, whereas the lands in Raidurg Paigah Village are Government lands that are prohibited lands from registration, as per the Dharani Pahani and Section 22-A of the Registration Act. The alleged registration of D.A.G.P.A came to the notice of the defacto complainant and he immediately lodged the present complaint.

Basing on the said complaint, the police registered the case for the above offences.

3. Heard Sri E.Sudhanshu Rao, learned counsel for the petitioner and learned Additional Public Prosecutor appearing for the respondent.

4. The contention of learned counsel for the petitioner is that petitioner is innocent of the alleged offences. He has been falsely implicated in this case and the alleged document submitted before the Registrar, except giving pending document number, registration was not done and petitioner was in-charge Joint Sub-Registrar from 04.08.2024 to 15.10.2024. The title of the land in question is not changed and rights of the owners of property are not affected in any manner as the document remains in pendency of refusal or registration with pending document No.765 of 2024. The petitioner herein received the said document in normal course of functioning and upon receiving the same with proper stamp duty, registration fee having been paid and the particulars of admission of execution by the parties to the document had processed the document and kept it pending. Therefore, no offence took place in the present case as there is no registration. He further submitted that the

petitioner is in jail from 25.10.2024, that the material part of investigation is completed and the accused Nos.2, 4, 5 and 6 were arrested and already granted bail. As such, prayed this Court to grant bail to the petitioner herein.

5. On the other hand, the learned Additional Public Prosecutor vehemently opposed granting of bail on the ground that the alleged property is a government land and without verifying the same, petitioner gave pending document number. If the complaint is not filed, he would have registered the property in the name of private parties. Further, the investigation is still pending. As such, prayed this Court to dismiss this petition.

6. Having regard to the submissions made by both the counsel and the material on record, the petitioner herein is A.3. However, the material part of investigation is completed and Lws.1 to 10 were examined. Considering the period of incarceration in jail, by the petitioner, this Court deems it fit to grant bail to the petitioner subject to the following conditions :

- i. The petitioner shall execute a personal bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) with two

sureties for a like sum each to the satisfaction of the learned XII-Additional Judicial Magistrate of First Class, Medchal-Malkajgiri at Kukatpally.

- ii. 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.
- iii. The petitioner shall abide by the conditions stipulated in Section 482(2) of BNSS (previously known as Section 437 (3) of Cr.P.C.).

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date :26.12.2024
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