

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.128 of 2025

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused No.2 in Crime No.40 of 2024 of FICN Team, CCS, DD Police Station, Hyderabad, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that accused No.1, in collusion with accused Nos.2 and 3, besides obtaining the loan by mortgaging the forged and fabricated land document, also committed default in repaying the loan amount. Hence, a case was registered vide Crime No.40 of 2024 of FICN Team, CCS, DD Police Station, Hyderabad, for the offences punishable under Sections 409, 420, 468 and 471 read with 120(b) of the IPC.

3. Heard Sri Bikki Anilkumar, 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-State.

4. Learned counsel for the petitioner *firstly* submitted that the petitioner is innocent and he is no way concerned with the alleged offences. He *secondly* submitted that though there is

no corroborative evidence, the petitioner was implicated in the case with false and fabricated allegations. He *thirdly* submitted that all the material witnesses were examined, and further detention of the petitioner is unnecessary. He *fourthly* submitted that the petitioner has been in judicial custody since 02.12.2024, causing undue hardship to his family. He *fifthly* submitted that the petitioner is resident of Masab tank, Hyderabad, with movable and immovable properties, and is willing to furnish sureties as directed. He *lastly* submitted that previously, bail applications of the petitioner, vide Crl.M.P.Nos.4766 and 5796 of 2024, were dismissed by the XII Additional Chief Judicial Magistrate at Hyderabad and Additional Sessions Judge for the Trial of Communal Offence Cases-Cum-VII Additional Sessions Judge-Cum-XXI Additional Chief Judge, Hyderabad, on 12.12.2024 and 30.12.2024, respectively, without valid reasons and prayed the Court to grant 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 the investigation is not yet completed, 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 from both the parties and reviewing the record, it is apparent that the petitioner, who is working as Direct Selling of Agent, as a part of his duties proving good customers to the bank for housing loans. *Prima facie*, the averments of the petition do not constitute offences under Section 409 of IPC against the petitioner. Hence, since the petitioner is languishing in jail from 02.12.2024 and also material part of investigation is completed, 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) each, with two sureties for a like sum each to the satisfaction of the XII Additional Chief Judicial Magistrate at Nampally, Hyderabad.
- ii. The petitioner shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) week or till filing of charge sheet whichever is earlier, for the purpose of investigation, and thereafter, as and when required.

- iii. The petitioner shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.(presently, Section 480(3) of the BNSS).

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 08.01.2025
gms

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