

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.803 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner whose name is not arrayed in the FIR but is anticipating his arrest in Crime No.23 of 2025 before the Abdullapurmet Police Station, registered for the offences punishable under Sections 420, 467, 468, 471 read with 109 of the Indian Penal Code.

2. The brief facts of the case revolve around a complaint filed by the Tahsildar, Abdullapurmet Mandal, Ranga Reddy District, on January 8, 2025, alleging that one Madagoni Sriramulu who is accused in the said crime and others committed offences under Sections 420, 467, 468, and 471 of the IPC. It was alleged that the said Sriramulu attempted to encroach on Government land (Sy No. 242) in Abdullapur village and illegally obtained house numbers. The petitioner, Ch. Srinivas Tulja Prasad Rao, who worked as the

Panchayat Secretary of Abdullapurmet Gram Panchayat from August 2022 to July 2024, is concerned that he may be apprehended in connection with the alleged offences, despite not being named in the FIR. Aggrieved thereby, this Criminal Petition is filed for grant of anticipatory bail.

3. Heard Sri K.Ramchandra Reddy, learned counsel for petitioner, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent – State.

4. Learned counsel for the petitioner submitted that the allegations in the complaint do not attract against the petitioner in entirety and more particularly the provisions of Section 467 IPC do not attract against the petitioner as no valuable security is alleged to have been created, and the mention of the said Section is only to attract punishment of more than seven years. He contended that the allegations pertain to attempted encroachment of Government land and illegally obtaining house numbers, and the same do not include any involvement of the petitioner. He asserted that as a Panchayat Secretary, the role of petitioner is limited to assigning house numbers for assessment of house tax, and

the same does not confer or confirm title to the property. He averred that the petitioner is a Government servant with no intention of absconding and is willing to cooperate with the investigation, make himself available, and furnish sufficient sureties. Therefore, prayed this Court to allow the criminal petition, granting the relief of anticipatory bail to the petitioner.

5. On the other hand, learned Additional Public Prosecutor submitted that allegedly the petitioner had allotted house plots in Government property without verifying the same or inspecting the field. He contended that all the house numbers were in favour of one Madagoni Sriramulu who is prime accused in the case, but there are no documents in support of the same. While advocating that there are several discrepancies in the case which would connect the petitioner to the case, he prayed the Court to dismiss the criminal petition.

6. Having regard to the rival submissions made, on going through the material placed on record, it is noted that the Mandal Panchayat Officer submitted report to the Station

House Officer, Abdullapurmet Police Station, stating that they will allot house numbers only for the purpose of calculating revenue, but as per the revenue authorities, the land in question is a Government land, wherein, several structures have come up and several other house numbers were assigned by the Gram Panchayat and the said assignment of numbers was only for the purpose of levying taxes accordingly. Further, it is seen that there is no record with the Gram Panchayat with regard to the verification of lands i.e., whether the said land is a Government land or a private land. Therefore, keeping in view the limited role of petitioner, this Court deems it fit to grant pre-arrest bail to the petitioner subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer, Abdullapurmet Police Station, within two weeks from today, and on such surrender, the said Station House Officer shall release them on bail on executing a personal bond for Rs.25,000/- each, 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.
- iii. The petitioner shall appear before the concerned Investigating Officer on every Monday between 09:00 a.m, and 05:00 p.m., till the filing of the charge sheet and thereafter, as and when required.

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 07.02.2025
PT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.803 of 2025

Date: 07.02.2025

PT