

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.1143 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, who is arrayed as accused No.2 in Crime No.03 of 2025 before the Central Crime Police Station, DD, Hyderabad, registered for the offences punishable under Sections 423, 467, 468, 471 read with 120-B of IPC.

2. The brief facts of the case are that Mr.Rakesh, an authorized representative of Can Fin Homes Ltd., reported fraudulent activities uncovered during an internal audit of the A.S. Rao Nagar and Ghatkesar branches for the year 2022-2023. The audit, conducted by Mr. U.Laxman, revealed discrepancies including falsified property link documents and incorrect properties with clear titles presented to secure loans, indicating potential loan fraud. On receipt of the said complaint, the petitioner was

implicated in the case for the offences as alleged. Aggrieved thereby, this Criminal Petition is filed.

3. Heard Sri G.Eswaraiah, 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 petitioner/Accused No.2 is innocent and has been falsely implicated in the case, with no attraction of the provisions under Sections 423, 467, 468, 471 R/W 120-B of IPC. He asserted that the petitioner is an innocent person, not connected with the alleged offences, and has been implicated without proper investigation. He lamented that the case is allegedly a result of civil disputes between the parties over immovable property. He averred that the petitioner is a law-abiding citizen with a good reputation and no criminal antecedents, and is willing to cooperate with the investigation, abide by any conditions, and furnish sureties. He emphasized the delay in lodging the complaint and the completion of the investigation except for the filing of the charge sheet. 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 the allegations leveled against the petitioner are serious in nature which involves activities of petitioner in misappropriation of amounts. Therefore, while advocating that the interrogation of petitioner is necessary to recover the misappropriated amounts, 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 allegations leveled against the petitioner pertain to the year 2022-2023 and on 19.04.2023 itself the petitioner confessed his act and undertook to settle the accounts, whereas, in spite of being aware of the confession of petitioner, the *de facto* complainant lodged complaint on 08.01.2025 without rendering proper explanation for such huge delay in reporting the acts of petitioner. Further, though learned Additional Public Prosecutor submitted that the amounts are not yet recovered completely, it is seen that except 3

loans, all the remaining amounts are already paid by the petitioner. Considering the same, 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, Central Crime Police Station, DD, Hyderabad, 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/- 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: 10.02.2025
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