

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.2862 of 2025

ORDER:

Seeking the Court to enlarge the petitioners, who are arrayed as accused Nos.3 and 5 in Crime No.54 of 2025 of Dundigal Police Station, Cyberabad Commissionerate, on pre-arrest bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on a complaint filed by Chapalli Surya Prakash, who contends to have purchased 3 acres and 34 guntas of land in 259/A/A/1/3 from Smt. Indira Devi and Srilatha Reddy through their GPA holder, Gopal Reddy. The complainant alleges that he was given the Patta Passbook on the same day and his name was entered into the Dharani Portal. However, he alleged that within 15 days, the petitioners and accused persons along with their henchmen began trespassing on his land, threatening him and claiming ownership. The complainant further alleges that the accused are attempting to sell the land using a fake document, specifically a registration document dated 895/1980 from the Ranga Reddy Register Office. Based

on these allegations, the police registered a case and initiated an investigation. Aggrieved thereby, this criminal petition is filed.

3. Heard Sri J.Sridhar, learned counsel appearing on behalf of the petitioners, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing on behalf of the respondent-State.

4. Learned counsel for the petitioners submitted that the petitioners are innocent and have been falsely implicated in a criminal case by the de facto complainant, who is attempting to settle a civil dispute through malicious means. He contended that the civil dispute is pending adjudication before a competent civil Court, for decision over the title, ownership, and possession of the property, and not the police. He averred that the petitioners are law-abiding, respectable citizens with no criminal antecedents, and their arrest would tarnish their reputation. While undertaking that the petitioners will cooperate with the investigation, not hamper or influence witnesses, and make themselves available as required by the

Court, he prayed the Court to grant pre-arrest bail to the petitioners by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor vehemently opposed the submissions made by learned counsel for petitioners, stating that the allegations leveled against the petitioner are serious in nature. At this stage, granting of pre-arrest bail to the petitioners does not arise. Therefore, he prayed the Court to dismiss the Criminal Petition.

6. In the light of the submissions made by both the learned counsel and a perusal of the material available on record, it appears that the allegations leveled against the petitioners fall under Sections 329(3), 324(4), 336(3) read with 3(5) of BNS. Since the complaint lacks specific averments to constitute an offence under Section 338 of BNS, this Court deems it appropriate to grant pre-arrest bail to the petitioners subject to the following conditions:

- i. The petitioners shall surrender before the
Station House Officer, Dundigal Police

Station, Cyberabad Commissionerate, 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/- with two sureties, for the like sum each.

- ii. The petitioners 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 petitioners 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.

Date: 06.03.2025
SAI

K. SUJANA, J

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