

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 3160 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioners, who arrayed as accused Nos.2 and 3, seeking anticipatory bail in Crime No.281 of 2024 of Khammam II Town Police Station, for the offences punishable under Sections 120-B, 420, 467, 468, 471, 506 read with Section 34 of the Indian Penal Code.

2. Heard Sri S.M.Rizwan Akhtar, learned counsel for the petitioners and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3. The case of prosecution in brief is that on 24.06.2024 at about 10-00 hours the *de facto* complainant went to the police station and lodged a report alleging that accused Nos.1 to 4 colluded with each other and hatched a plan with criminal conspiracy to grab the open plots of innocent public and created false and forged family member certificate of accused No.3 and by using the same, created a formal sale deed as accused No.3 acquired Ac.4-25 guntas of land in and out of

Sy.No.303 AA located in Khammam Revenue limits as inherent property from Syed Bajee and sold away two plots i.e., 1) plot No.1 to an extent of 118 square yards and 2) plot No.2 to an extent of 305.65 square yards, total 1423 square yards in and out of Sy.No.303-AA to accused No.4 and got registered above open plot in the Office of Sub-Registrar, Khammam. It was further alleged that by showing the forged documents, accused threatened the complainant and trying to grab the land to an extent of 1420 square yards located in Sy.No.303/A with plot Nos.11, 12, 21, 22 each plot having extent of 355.55 square yards. Basing on the said report, the Khammam II Town Police Station registered a case in Crime No.281 of 2024 under Sections 120-B, 420, 467, 468, 471, 506 read with Section 34 of IPC.

4. Learned counsel for the petitioner submitted that the petitioners have not committed the alleged offence and they have been falsely implicated in the present crime and the entire allegations levelled against accused No.1 only. He further submitted that basing upon the same complaint, another crime No.289 of 2022 was registered for the offences punishable under Sections 447, 420, 468 and 471 of IPC, wherein this Court directed the Investigation Officer to follow the procedure

as contemplated under Section 41-A of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') pursuant to the guidelines of the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar**¹. Subsequently, with an intention to harass the petitioners, present case i.e., crime No.281 of 2024 was registered with major offences including the offence under Section 467 of IPC.

5. He further submitted that accused No.1 was already enlarged on bail and the petitioner No.1 is a Government employee, working in Irrigation Department and if the petitioner No.1 will be kept in jail, he lost his employment. Petitioner No.2 is a house wife, having minor children and therefore, her presence is very much required to her family. The petitioners are ready to cooperate with the investigation and they will abide by the conditions, which are going to be imposed by this Court.

6. Learned Assistant Public Prosecutor submitted that the investigation is not yet completed and therefore, if the petitioners are granted anticipatory bail, there is every chance to influence the witnesses and to interfere with the investigation.

¹(2014) 8 SCC 273

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that prior to lodging the present crime No.281 of 2024, another crime No.289/2022 was registered on the file of Khammam II Town Police Station for the offence under Sections 447, 420, 468, 471 of IPC and the petitioners have approached this Court and filed Criminal Petition No.2455 of 2024, wherein this Court, while disposing the said petition, directed the Investigating Officer to follow the procedure as laid down under Section 41-A of Cr.P.C.

8. The record further reveals that petitioner No.1/accused No.2 is a Senior Assistant working in Irrigation Department and petitioner No.2/accused No.3 is a house wife. Moreover, accused No.1 was already released on bail. Taking into consideration the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with the following conditions:

- (i) Petitioners/accused Nos.2 and 3 are directed to surrender before the S.H.O., Khammam II Town P.S. on or before 18.03.2025 and on such surrender, they shall be enlarged on bail on their executing personal bond for a sum of Rs.25,000/-(Rupees Twenty Five thousand

only) each, with two sureties for a like sum each.

- (ii) On such release, petitioners/accused Nos.2 and 3 shall appear before the S.H.O., Khammam II Town Rural Police Station on every Saturday at 11-00 a.m. for a period of eight (8) weeks or till filing of the charge sheet, whichever is earlier.
- (iii) Petitioners/accused Nos.2 and 3 shall abide by the conditions stipulated under Section 482(2) of BNSS and shall cooperate with the Investigating Officer in the investigation.

9. Accordingly, the Criminal Petition is allowed.

As a sequel thereto, miscellaneous applications, if any, pending in this petition stand closed.

JUSTICE J.SREENIVAS RAO

Date: 11.03.2025
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