

THE HONONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3536 of 2025

ORDER:

This Criminal Petition is filed under Sections 482 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioner/accused No.2 in Crime No.52 of 2025 on the file of P.S.Mothey, Suryapet District, registered for the offences punishable under Section 318(4), 336(2), 340, 316(5) r/w 3(5) of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of the prosecution is that on 07.03.2025, the Tahsildar (FAC) of Mothey Mandal, Suryapet District, lodged a complaint, alleging that on 04.03.2025, the District Collector, Suryapet and Revenue Divisional Officer, Suryapet inspected the Tahsildar office, Mothey and verified the pass book data correction files as submitted by the then Tahsildar. It is also alleged that the District Collector and Enquiry team verified the records as submitted by the petitioner with reference to the office original pahanies and found certain fabricated pahanies submitted by the petitioner and Mee-seva operator in collusion with the office staff

and misguided the higher officers. Basing on the same, a case was registered in Crime No.52 of 2025.

3. Heard Mr.G.Sundaresan, learned counsel representing Mr.E.Sreenivas Reddy, learned for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that petitioner has not committed any offence and he was falsely implicated in the said crime. He further submitted that the petitioner is discharging his duties as Girdarvar of Mothe Mandal, and basing upon the instructions of the Revenue Divisional Officer and Tahsildar petitioner has issued proceedings, incorporating the names of persons in revenue records. He further submitted that in FIR petitioner is arrayed as accused No.3 and in remand report, petitioner is arrayed as accused No.2. He further submitted that the ingredients of Section 316(5) of BNS are not attracted against the petitioner. He further submitted that petitioner is ready to abide the conditions, which are going to be imposed by this Court and hence, prayed for grant of anticipatory bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner/accused No.2 has committed grave offence and investigation is under progress and if the petitioner/accused No.2 is released on bail at this stage, he may tamper with the evidence and may threaten the witnesses, and hence, prayed to dismiss the petition.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioner is discharging his duty as Girdarvar of Mothe Mandal and according to the learned counsel for the petitioner, basing upon the instructions furnished by the Revenue Divisional Officer and Tahsildar only, petitioner issued proceedings.

7. Taking into consideration of the above facts, this Court is of the considered view that petitioner/accused No.2 is also entitled for grant of anticipatory bail, subject to the following conditions:

1. The petitioner/accused No.2 shall surrender before the Station House Officer of P.S. Mothey, Suryapet, on or before 29.03.2025, and on such surrender, the said Station House Officer shall release the

petitioner/accused No.2 on bail on his executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, for the like sum each.

2. After release, the petitioner/accused No.2 shall appear before the concerned SHO at 11.00 A.M. on every Sunday, for a period of eight (8) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter, as and when required.
 3. The petitioner/accused No.2 shall abide by the other conditions stipulated in Section 482 (2) Bharatiya Nagarik Suraksha Sanhitha, 2023 and co-operate with the Investigating Officer in investigating the case.
8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 25.03.2025
vsl