

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3654 of 2025

ORDER:

This criminal petition is filed by the petitioner/A1 under Sections 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS) seeking anticipatory bail in Crime No.1177 of 2024 on the file of L.B. Nagar Police Station, Rachakonda District, registered for the offence punishable under Sections 417, 416, 415, 419, 465, 467, 468, 471 and 120b IPC.

2. The case of the prosecution is that on 06.11.2024, the respondent received a report from the de-facto complainant stating that he is resident of Bangalore and his wife purchased open plot bearing No.535, measuring 300 square yards in Sy.Nos.121, 124 and 125, Visaka Nagar, Almasguda Village, Hayathnagar, Ranga Reddy District (hereinafter referred to as "the subject property"), through registered sale deed No.3049 of 1986 dated 05.03.1986 and that his wife never issued any Special Power of Attorney (SPA) in favour of one Basina Srinivas Rao regarding the above said land. It is further stated that as per the Encumbrance Certificate issued by the Joint SRO, RO Ranga Reddy, his wife is the absolute owner and possessor of the

aforesaid open plot since the date of registration and his family is residing at Bangalore since 1984 and that they never resided at H.No.50-534/12/2, BS Layout, Seethammadhara, Visakhapatnam, as claimed in SPA and the sale deed. Basing on the said complaint, a case in Crime No.1177 of 2024 was registered for the above said offences.

3. Heard Sri C.V. Srinath, learned counsel for the petitioner and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent.

4. Learned counsel for the petitioner submits that the petitioner has purchased the subject property by paying valuable sale consideration and as such he is the *bona fide* purchaser and since the date of purchase, he is in possession of the subject property. However, on 06.11.2024, the de-facto complainant filed a complaint alleging that the subject property belongs to his wife, namely, Nageshwari Emani and that Accused No.2, namely, Basina Srinivas Rao, created forged and fabricated document and executed the sale deed in favour of the petitioner. He further submits that the de-facto complainant filed the present complaint after lapse of more than three years from the date of

execution of the registered sale deed in favour of the petitioner by Accused No.2. He further submits that the entire allegations are leveled against Accused No.2 and there are no specific allegations against the petitioner to attract the ingredients of Sections 417, 416, 415, 419, 465, 467, 468, 471 and 120b IPC and that the nature of the allegations are purely civil in nature. He further submits that the petitioner is a private employee and eking out his livelihood and he is ready and willing to cooperate with the investigation and also abide by the conditions that are going to be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor submits that the petitioner and other accused committed grave offence and investigation is under progress. Therefore, at this stage, if the petitioner is enlarged on bail, there is every chance of influencing the witnesses and interfering with the investigation.

6. Having considered the rival submissions made by both the parties and after perusal of the material available on record, it reveals that the petitioner is claiming rights over the subject property basing upon the registered sale deed said to have been executed by Accused No.2 in his favour in the year 2021 after

paying valuable sale consideration and as such he is the bona fide purchase.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail on the following conditions:

(1) The petitioner/A1 is directed to surrender before the Station House Officer, L.B. Nagar Police Station, Rachakonda District, on or before 27.03.2025.

(2) On such surrender, the Station House Officer shall release the petitioner on bail on his executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousands only) with two sureties for a like sum each to the satisfaction of the said officer.

(3) On such release, the petitioner/A1 shall appear before the Station House Officer, L.B. Nagar Police Station on every Monday at 11:00 a.m., 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 for investigation.

(4) The petitioner/A1 shall abide by the conditions stipulated under Section 438(2) of the Criminal Procedure Code, 1973/Section 482 of BNSS and shall cooperate with the investigating officer for conclusion of investigation.

8. Subject to the above directions, the criminal petition is allowed. No costs.

Pending miscellaneous applications, if any, shall stand closed.

Date: 21.03.2025
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JUSTICE J.SREENIVAS RAO, J