

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 3896 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner, who is arrayed as accused, seeking anticipatory bail in Crime No.387 of 2024 of Jagtial Town Police Station, Jagtial District registered for the offence punishable under Sections 417, 420, 471 and 468 of the Indian Penal Code, 1860 (IPC).

2. Heard Sri R.R.Kalyan, learned counsel, representing Sri Madas Bharath Chandra, learned counsel for the petitioner and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3. The case of prosecution in brief is that on 22.06.2024 at 14-50 hours the complainant Takur Ganesh Singh lodged a complaint with the police stating that the accused, who is his second brother has created a fake death certificates of their father and grandfather by forgery and got registered their joint family house property i.e., H.No. 7-2-112 situated at Shekalla Village in the name of his wife namely, Takur Ragi Bai through

a registered gift deed vide document No. 3637 of 2024 and made P. RadhaKishan S/o Narsaiah and K. Jagan S/o Pochalu residents of Shekalla Village as fake witnesses to the said deed. The accused was cheated the complainant by creating fake death certificates by forgery. Basing on the compliant, the Station House Officer, Jagtial Town Police Station, registered the above crime against the accused for the offence punishable under Sections 417, 420, 471 and 468 of IPC and issued FIR.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offence and he has been falsely implicated in the present crime. He further submitted that according to complaint, entire allegations levelled against the petitioner are purely civil in nature and the ingredients of Section 417, 420, 471 and 468 of IPC are not attracted to the petitioner and the petitioner and the complainant are own brothers. However, with an intention to resolve the property dispute, present case was foisted against the petitioner. The petitioner is aged about 64 years and suffering with old age ailments. The petitioner is ready to cooperate with the investigation and he will abide by the conditions, which are going to be imposed by this Court. Therefore, prays to grant anticipatory bail to the petitioner.

5. *Per contra*, learned Assistant Public Prosecutor submitted that the investigation is not yet completed. If the petitioner is granted anticipatory bail, there is a chance to interfere with the investigation and to influence the witnesses. Therefore, the petitioner is not entitled for grant of anticipatory bail.

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 and the *de-facto* complainant are own brothers and the allegation made in the complaint that the petitioner without obtaining any consent from the other family members created a false document and executed registered gift settlement deed in respect of the ancestral property in the name of his wife. According to the learned counsel for the petitioner, the subject property is belongs to the petitioner. Taking into consideration the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner/accused with the following conditions:

- (i) Petitioner/accused is directed to surrender before the S.H.O., Jagtial Town P.S. on or before 02.04.2025 and on such surrender, he shall be enlarged on bail on his executing a

personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only), with two sureties for a like sum each to his satisfaction.

- (ii) On such release, petitioner/accused shall appear before the S.H.O., Jagtial Town Police Station on every Monday at 11-00 a.m., for a period of eight (8) weeks or till filing of the charge sheet, whichever is earlier and thereafter, as and when required.
- (iii) Petitioner/accused shall abide by the conditions stipulated under Section 482(2) of BNSS and shall cooperate with the Investigating Officer in the investigation.
- (iv) Petitioner/accused shall not interfere with the investigation or influence the witness.

7. 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: 26.03.2025
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