

**THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO**

**CRIMINAL PETITION No.4379 of 2025**

**ORDER:**

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarika Suraksha Sanhita, 2023 (for short, 'BNSS') seeking anticipatory bail to the petitioners/accused Nos.1 to 3 in Crime No.72 of 2025 of Vemulawada Town Police Station, Rajanna Siricilla, registered for the offence punishable under Sections 318(4), 338, 336(3) and 340(2) r/w 3(5) of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of prosecution in brief is that on 04.02.2025 at 18.00 hours the complainant lodged a complaint, in which he stated that on 23.05.2013 he purchased Ac.0.30 gts. of land in situated Sy.No.715 at the outskirts of Vemulawada from petitioner No.1/Accused No.1 and registered the same on his name vide registration document No. 3330/2013 and from then, he is the absolute owner of the above land. Frequently, he used to visit the above land and cleared the small plants and bushes and recently he came to know that some strangers visited his above land, on that he enquired and came to know that, previously which was purchased by him vide registration document

No.3330/2013 without his knowledge, without his consent and signatures and he did not went to registration, but instead of same, another person forged his signature by creating his fake Aadhar Card and kept photographs of others, to certify the above. Petitioner Nos.2 and 3/accused Nos.2 and 3 kept fake witness signatures on cancellation document vide No. 5089/2019, dated 10.06.2019 and the above land were sold to some others. Finally he requested to take necessary legal action against the persons who forged his signature, created his fake Aadhar card by fixing up photograph of others and cancelled his registration document and against petitioner No.1/accused No.1 who sold the above land to others, petitioner Nos.2 and 3/accused Nos. 2 and 3, sub-registrar and those persons who purchased the above land illegally as well as those persons who helped for this fake registration of the above land. Basing on the said complaint, the present crime is registered for the aforesaid offences.

3. Heard Mr.P.Ramulu, learned counsel for the petitioners and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners submitted that the petitioners have not committed any offence and they were falsely

implicated in this case and the ingredients of Section 338 of BNS are not attracted against the petitioners. He further submitted that the punishment prescribed for the other offences levelled against the petitioners are less than seven years. He further submitted that the nature of allegations made by the *de-facto* complainant in the complaint are civil in nature. He further submitted that the *de-facto* complainant without approaching the competent Civil Court filed false complaint against the petitioners. He further submitted that accused No.4 in the said crime was already enlarged on anticipatory bail and the petitioners are ready and willing to cooperate with the investigation and will abide by the conditions, which are going to be imposed by this Court and hence, prayed for anticipatory bail.

5. On the other hand, learned Additional Public Prosecutor submitted that the petitioners committed grave offence, by creating fake documents and illegally executed sale deeds in favour of purchasers, in respect of the property belonging to the *de-facto* complainant and the investigation is under progress. Therefore, if the petitioners are granted anticipatory bail, there is every chance to influence the witnesses and to interfere with the investigation. Hence, prayed to dismiss the petition.

6. Having considered the rival submissions made by respective parties and after perusal of the material available on record, it reveals that the *de-facto* complainant specifically mentioned in the complaint that petitioner No.1/accused No.1 cancelled the registration sale deed document bearing No.3330/2013, dated 23.05.2013, which stands in the name of *de-facto* complainant through cancellation document No.5089/2019, dated 10.06.2019. Thereafter, sold the said property to the purchasers. According to the complaint, there are specific allegations against accused No.1, whereas petitioner Nos.2 and 3/accused Nos.2 and 3 only signed as witnesses.

7. Taking into consideration the facts and circumstances of the case, since there are serious allegations against the petitioner No.1/accused No.1 that he cancelled the registered sale deed, this Court is not inclined to grant anticipatory bail to petitioner No.1/accused No.1. Hence, the petition stands dismissed in respect of petitioner No.1/accused No.1. Insofar as petitioner Nos.2 and 3/accused Nos.2 and 3 are concerned, since they have only signed as witnesses, to the documents dated 10.06.2019, this Court is inclined to grant anticipatory bail to petitioner Nos.2 and 3/accused Nos.2 and 3, subject to the following conditions:

- (i) petitioner Nos.2 and 3/accused Nos.2 and 3 are directed to surrender before the S.H.O., Vemulawada Town Police Station, on or before 10.04.2025 and on such surrender, they shall be enlarged on bail on their executing a personal bond for a sum of Rs.50,000/-(Rupees Fifty thousand only), with two sureties for a like sum each to his satisfaction.
- (ii) On such release, petitioner Nos.2 and 3/accused Nos.2 and 3 shall appear before the S.H.O., Vemulawada 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, for the purpose of investigation, and thereafter, as and when required.
- (iii) petitioner Nos.2 and 3/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.
- (iv) petitioner Nos.2 and 3/accused Nos.2 and 3 shall not interfere with the investigation or influence the witnesses.

8. Accordingly, the Criminal Petition is allowed in part. Insofar as petitioner No.1/accused No.1 is concerned, this petition is dismissed.

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

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**J. SREENIVAS RAO, J**

Date: 03.04.2025.  
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