

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.4563 of 2025

ORDER.

This Criminal Petition is filed by the petitioners/accused Nos.1 and 2, seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.36 of 2025 of Central Crime Station, Hyderabad, registered for the offences punishable under Sections 316(2), 318(4), 336(3), 337, 339, 340(2), 338, 342 read with 61(2) of BNS.

2. Heard Sri T.M.K.Chaitanya, learned counsel for the petitioners and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The case of the prosecution is that the petitioners-accused Nos.1 and 2 have devised a fraudulent scheme and forged demand notes on behalf of the Electricity Board, deceiving the complainant into issuing Demand Drafts in

favour of the Electricity Board on false demands and they have also provided fake acknowledgement receipts, making the complainant believe that the payments were genuine and duly made to the Electricity Board. Thereafter, the complainant came to know that the actual demands raised by the Electricity Board were significantly lower than the amounts fraudulently claimed by the petitioners-accused Nos.1 and 2. Hence, the complaint.

4. Learned counsel for the petitioners submits that the petitioners have not committed alleged offences and they are falsely implicated in the aforesaid crime and ingredients of Section 338 of BNS are not applicable and remaining offences leveled against the petitioners are below seven years. He further submitted that petitioners and *de facto* complainant Company namely Indus Towers Limited Company have entered Non-Disclosure Agreement on 20.06.2018. In terms of the said agreement, only petitioners have discharged their

services. If any dispute arises between the petitioners and *de facto* complainant, as per the terms and conditions of the said agreement, the parties have to invoke the Arbitration Clause. Without initiating arbitration proceedings, the *de facto* complainant has lodged the present complaint and basing on the same, the present crime was registered. The petitioners are ready and willing to cooperate with the investigation and also abide by the conditions that may be imposed by the Court. Hence, prayed to grant anticipatory bail to the petitioners.

5. *Per contra*, learned Additional Public Prosecutor submits that the petitioners have committed a grave offence and investigation is under progress. If the petitioners are granted anticipatory bail at this stage, there is every chance of their influencing the witnesses and interfering with the investigation.

6. Having considered the rival submissions made by the respective parties and on perusal of the record, it reveals that the petitioners and *de facto* complainant Company namely Indus

Towers Private Limited have entered non-disclosure agreement on 20.06.2018. The record further reveals that as per the said agreement, Clause 11 deals with governing law and Arbitration. In the said agreement, if any dispute arises between the parties, the parties have to dissolve the said dispute through Clause 11 which deals with the Arbitration. According to the learned counsel for the petitioners, the parties have not invoked the Arbitration Clause. Even according to the learned Additional Public Prosecutor the petitioners are not having any criminal antecedents. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners/accused Nos.1 and 2 subject to the following conditions:

- (i) Petitioners/accused Nos.1 and 2 are directed to surrender before the Station House Officer, Central Crime Police Station, Hyderabad on or before 17.04.2025;
- (ii) On such surrender, the Station House Officer of Central Crime Police Station,

Hyderabad, shall release the petitioners on bail on their executing a personal bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties for a like sum each to the satisfaction of the said Officer;

(iii) On such release, the petitioners/accused Nos.1 and 2 shall appear before the Station House Officer, Central Crime Police Station, Hyderabad, on every Monday from 21.04.2025, for a period of eight weeks for the purpose of investigation and thereafter, as and when required for investigation.

(iv) The petitioners/accused Nos.1 and 2 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 investigation officer for conclusion of investigation.

7. Subject to the above directions, the Criminal Petition is allowed. No costs.

::6::

As a sequel, miscellaneous petitions, pending if any, stand closed.

Date: 11.04.2025
mnv

J.SREENIVAS RAO, J

::7::

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.4563 of 2025

Date: 11.04.2025

mnv