

**THE HON'BLE SRI JUSTICE J.SREENIVAS RAO**

**CRIMINAL PETITION NO. 4687 OF 2025**

**ORDER:**

This Criminal Petition is filed by the petitioner/A1, seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.10 of 2025 on the file of Bhavani Nagar Police Station, Hyderabad District, registered for the offences punishable under Sections 318(4), 336(3) and 340(2) read with Section 3(5) of BNS.

2. Heard Sri Sanjeeva Reddy Garlapati, learned counsel for the petitioner and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent.

3. The case of the prosecution is that the complainant lodged a complaint, wherein it is stated that her mother is the original owner of RCC building No.18-7-198/A/313, admeasuring 108 square yards comprising G+2 floors, situated at Murad Mahal, Talabkatta, Bhavaninagar, Hyderabad, by virtue of gift deed bearing document No.1886/2003 and that her mother executed gift deed in her

favour in respect of the said property vide document No.8790/2024, dated 20.11.2024. But her nephew, Mohammed Jahangir Khan, created fake death certificate of her mother and executed a registered gift settlement deed in the name of his wife vide document No.7166/2024, dated 13.09.2024 and trying to occupy the said property. Basing on the said complaint, the present crime has been registered for the above said offences.

4. Learned counsel for the petitioner submits that the petitioner filed Crl.P.No.2142 of 2025 to quash the proceedings in Crime No.10 of 2025 and this Court after taking into consideration that the offence alleged against the petitioner is punishable less than seven years, disposed of the said petition on 14.02.2025 directing the Investigating Officer to follow the procedure prescribed under Section 35(3) of NBSS (previously Section 41-A of Cr.P.C.) and also to follow the guidelines formulated by the Hon'ble Supreme Court in **Arnesh Kumar vs. State of Bihar and another**<sup>1</sup>. Pursuant to the said order, the petitioner approached the investigating officer of Bhavani Nagar Police Station,

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<sup>1</sup> (2014) 8 SCC 273

Hyderabad, to cooperate with the investigation, the investigating officer has not followed the directions given by this Court and as such violated the orders of this Court. Then the petitioner filed C.C.No.632 of 2025 to punish the respondents therein and this Court issued notice to the respondents on 13.03.2025. Subsequent to the filing of the contempt case, the police with an intention to harass the petitioner, added Section 338 of BNSS in the present crime though the ingredients of Section 338 are not applicable to the petitioner. He further submits that the petitioner is ready and willing to cooperate with the investigation and also the conditions which are going to be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor submits that the petitioner has committed grave offence and at this stage, if the petitioner is granted anticipatory bail, there is every chance of influencing the witnesses and interfering with the investigation. Hence, 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 initially Crime No.10 of 2025 was registered for the offences punishable under Sections 318(4), 336(3) and 340(2) read with Section 3(5) of BNS. The said offences are punishable with an imprisonment of less than seven years. The petitioner filed CrI.P.No.2142 of 2025 to quash the proceedings in Crime No.10 of 2025 and this Court disposed of the said petition on 14.02.2025 directing the Investigating Officer to follow the procedure prescribed under Section 35(3) of NBSS (previously Section 41-A of Cr.P.C.) and also to follow the guidelines formulated by the Hon'ble Supreme Court in **Arnesh Kumar (supra)**. According to the learned counsel for the petitioner, when the police officials violated the said order, the petitioner filed C.C.No.632 of 2025 to punish the respondents therein and this Court issued notice to the respondents-contemnors on 13.03.2025. Subsequent to the filing of the contempt case, the police added Section 338 of BNSS in the present crime. The petitioner has appeared before the investigating officer to cooperate with the investigation in the present crime. According to the learned Additional Public Prosecutor, the petitioner is not having any criminal antecedents.

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

(i) The petitioner/A1 is directed to surrender before the Station House Officer, Bhavani Nagar Police Station, Hyderabad District on or before 16.04.2025;

(ii) On such surrender, the Station House Officer of Bhavani Nagar Police Station, shall release the petitioner/A1 on bail on executing a personal bond for a sum of Rs.20,000/- (Rupees Twenty thousand only) with two sureties for a like sum each to the satisfaction of the said Officer;

(iii) On such release, the petitioner/A1 shall appear before the Station House Officer, Bhavani Nagar Police Station, on every Monday at 11:00 a.m., for a period of eight weeks for the purpose of investigation and thereafter, as and when required by the police for investigation.

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(iv) 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 investigation officer for conclusion of investigation.

8. Accordingly, the Criminal Petition is allowed.

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

Date: 09.04.2025  
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**J.SREENIVAS RAO, J**