

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.5011 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused, seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.111 of 2025 of Begumpet Police Station, Hyderabad District, registered for the offences punishable under Sections 406, 420, 467, 468 and 471 of Indian Penal Code, 1860.

2. Heard Mr. D.Jagadishwar Rao, learned counsel for the petitioner/accused and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The case of the prosecution is that on 24.03.2025 at 19:00 hours the *de facto* complainant/ LW1 gave a report to the police stating that petitioner/accused is known to him for several years and he is also the Chairman/President of Shree

Vaishnavi Educational Society and with the said acquaintance he created a confidence and made him trust with an intention of cheating and took hand loans from him on various dates and got issued pronotes and post dated cheques and accordingly he paid interest for some time. On 04.03.2022, he obtained sum of Rs.80,00,000/- from him, and also issued pronotes and deposited his patta pass books of the land situated at Pulkal Village and Mandal, Sanga Reddy district, and obtained signatures on the documents pertaining to mortgage with an intention to create mortgage for the above said loan. The petitioner created fabricated mortgaged document of his property and handed over the same to the *de facto* complainant by putting the stamps of Jt. Sub-Registrar office. When the accused failed to pay the outstanding amounts which were due to the *de facto* complainant, the *de facto* complainant tried to initiate civil proceedings against the recovery of money basing on the mortgage, he was surprised and shock to know that the accused has tampered and fabricated false document by forging

the signatures of the Tahsildar and Jt. Sub Registrar, Pulkal of Sanga Reddy District. When the *de facto* complainant questioned the accused about the forged documents, he filed a civil suit before the XII Additional Chief Judge City Civil Court, Secunderabad, admitting taking of loans and repaying of the same and when he is intending to file a civil suit for recovery of money basing on the mortgage created by the accused, and made an enquiry with the Sub Registrar at Pulkal, he was shocked to see that there is no such mortgage deed executed. Hence, LW1 gave a report to the police and requested them to take necessary action against the accused, who cheated him with forged documents, as per law.

4. Learned counsel for the petitioner/accused submits that the petitioner has not committed any offence and he was falsely implicated in the aforesaid crime. He further submitted that there is a monetary dispute between the petitioner and the *de facto* complainant. The petitioner never executed mortgage deed as alleged by the *de facto* complaint in the complaint, and

neither forged nor created the mortgage deed. He further submitted that the petitioner paid excess amount in favour of the *de facto* complainant, when the petitioner demanded the said amount, the *de facto* complainant refused to repay the same. The petitioner along with Shree Vaishnavi Educational Society filed suit *vide* O.S.No.119 of 2024 on the file of XII Additional Chief Judge City Civil Court, Secunderabad, against the *de facto* complainant, seeking for recovery of amount of Rs.71,96,210/- and the said suit is pending, wherein, the *de facto* complainant filed a written statement-cum-counter claim and pleaded about the existing of mortgage deed. Subsequently, *de facto* complainant lodged present complaint on the very same allegations. Unless and until the suit which was filed by the petitioner is decided on merits, the ingredients under Sections 406, 420, 467, 468 and 471 of IPC are not attracted against the petitioner. The petitioner is a Chairman of Shree Vaishnavi Educational Society and the said Educational Society is running four schools. The petitioner is ready and willing to cooperate

with the investigating officer and also abide by the conditions that may be imposed by the Court.

5. Per contra, learned Additional Public Prosecutor submits that the petitioner has committed offences and investigation is under progress and if the petitioner/accused is granted anticipatory bail at this stage, there is every chance of his influencing the witnesses and interfering with the investigation.

6. Having considered the rival submissions made by the learned counsel for the parties and on perusal of the record, it reveals that there is monetary dispute pending between the petitioner and the *de facto* complainant. The record further reveals that the petitioner filed a suit *vide* O.S.No.119 of 2024 on the file of XII Additional Chief Judge City Civil Court, Secunderabad, against the *de facto* complainant claiming an amount of Rs.71,96,210/-, wherein the *de facto* complainant filed a written statement-cum-counter claim and the said suit is pending. Even according to the learned Additional Public

Prosecutor, petitioner is not having any other criminal antecedents. Taking into consideration of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner/accused subject to the following conditions:

- (i) Petitioner/accused is directed to surrender before the Station House Officer, Begumpet Police Station, on or before 23.04.2025;
- (ii) On such surrender, the Station House Officer of Begumpet Police Station, shall release the petitioner on bail on his executing a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties for a likesum each to the satisfaction of the said Officer;
- (iii) On such release, petitioner/accused shall appear before the Station House Officer, Begumpet 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 for investigation.
- (iv) Petitioner/accused 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.

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

Date: 17.04.2025
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J.SREENIVAS RAO, J

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The Hon'ble Sri Justice J.Sreenivas Rao

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