

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION NO. 5124 OF 2025

ORDER:

This Criminal Petition is filed by the petitioners/A1 to A4, A6 and A7, seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.318 of 2024 on the file of Mokila Police Station, Cyberabad, registered for the offences punishable under Sections 61(2), 316(2), 319(2), 318(4), 340(2), 341, 336(3), 324, 329, 330, 351(2) read with Section 3(5) of BNSS.

2. Heard Sri G. Raju, learned counsel representing Sri L. Harish, learned counsel for the petitioners, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent.

3. The case of the prosecution is that the de-facto complainant purchased Plot No.218 measuring 300 square yards in Sy.Nos.25, 26 and 27 situated at Maharajpet Village, Shankerpally Mandal, Ranga Reddy District, through registered sale deed No.1058/1985, dated 28.05.1985 and that petitioner No.1/A1 in collusion with Accused Nos.5 to 7 has fabricated

forged sale deed No.137 of 2007 to occupy the said property. Basing on the said complaint, the present crime is registered for the above said offences.

4. Learned counsel for the petitioners submits that the petitioners have not committed any offence and they were falsely implicated in the present crime. He further submits that the de-facto complainant with an intention to settle the civil disputes pending between himself and Accused No.2, who has filed a suit vide O.S.No.497 of 2024 against the de-facto complainant on the file of Junior Civil Judge, Ranga Reddy District, for declaration of title and perpetual injunction in respect of the subject plot, which was purchased by Accused No.1, has filed the present complaint. He further submits that petitioner No.1/A1 has also purchased Plot Nos.5 and 7 measuring 300 square yards each in the said venture through registered sale deed Nos.1086 of 2006 and 8248 of 2007 dated 04.09.2006 and 02.08.2007 respectively. He further submits that petitioner No.1/A1 has executed registered gift deed dated 17.08.2019 in favour of her daughter, who is petitioner No.2/A2. The de-facto complainant filed a complaint in the year 2025 alleging that the sale deed dated 08.10.2007 is a forged and fabricated one and the same is

not permissible in law. He further submits that except the offence under Section 61(2) of BNSS all other offences levelled against the petitioners are punishable with an imprisonment of less than seven years and that the petitioners are 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 petitioners have committed grave offence and investigation is under progress and at this stage, if the petitioners are granted anticipatory bail, they will influence the witnesses and interfere with the investigation. Hence, the petitioners are 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 there are civil disputes between the de-facto complainant and the petitioners and that petitioner No.2/A2 filed a comprehensive civil suit against the de-facto complainant vide O.S.No.497 of 2024 on the file of the Junior Civil Judge, Ranga Reddy, seeking declaration of title and perpetual injunction over Plot No.218 i.e., the subject plot and

the same is pending. Petitioner No.1/A1 is also claiming right in respect of Plot Nos.5 and 7 measuring 300 square yards in the same venture and that petitioner No.1/A1 executed gift deed in favour of petitioner No.2/A2 in respect of the subject plot i.e., Plot No.218 vide document No.9202 of 2019 dated 17.08.2019.

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

(i) The petitioners/A1 to A4, A6 and A7 are directed to surrender before the Station House Officer, Mokhila, Police Station, Cyberabad Commissionerate, on or before 26.04.2025;

(ii) On such surrender, the Station House Officer of Mokhila Police Station, Cyberabad Commissionerate, shall release the petitioners/A1 to A4, A6 and A7 on bail on executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties for a like sum each to the satisfaction of the said Officer;

(iii) On such release, the petitioners/A1 to A4, A6 and A7 shall appear before the Station House Officer, Mokhila Police Station, Cyberabad Commissionerate, 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.

(iv) The petitioners/A1 to A4, A6 and A7 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: 21.04.2025
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J.SREENIVAS RAO, J