

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.5674 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner/accused No.4, seeking anticipatory bail in Crime No.1390 of 2022 of Vanasthalipuram Police Station, Rachakonda Commissionerate registered for the offence punishable under Sections 417, 419, 420, 467, 468, 471 r/w 34 of IPC.

2. Heard Ms. M.V.Padmaja, learned counsel for the petitioner and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent No.1-State.

3.1 The case of prosecution in brief is that on 23.10.2022 at about 20-30 hours the complainant lodged a complaint with the police stating that he had purchased two plots bearing Nos.151 & 152 measuring to an extent of 311.11 each totaling to 622.22 square yards in Sy.No.133 of Saheb Nagar Kalan of Hayath Nagar Mandal from G.Satyanarayana Reddy *vide* registered sale deed

No.1066 of 1985, dated 29.01.1985. Since then, he has been in possession and enjoyment of the said plots. That he has availed loan from the Bank of Baroda, Masab Tank Branch by depositing title deeds of this property along with other properties. The said bank filed a case in Debt recovery tribunal in the year 2000 for recovery of the loan amount and after negotiations, he has repaid the loan amount in one time settlement (OTS). But unfortunately, the bank authorities failed to give the original document and stated that they were searching for it.

3.2 It is further stated that on his request, K. Rama Chandra Rao along with others went to the said plots on 16.10.2022 and observed that two buildings have come up on the said plots. The residents of the said house refused to give any particulars such as their names, their sale deeds and permission for construction of the said houses. On his instructions immediately K. Rama Chandra Rao obtained the sale deeds from the Mee-Seva and found the fraud, fictitious, forged and false documents, impersonation and mischievous acts to grab the plots wrongfully by deceiving him, the plots are situated at a far off his residence, as such the illegal elements kept an eye

for a long time on the plots to grab them somehow. In furtherance of their nefarious design N. Surya Prakash Rao, K.H. Sudhakar Reddy, B.C. Pavan Kumar, V.V. Chalapathi, Karpa Srinivas, B. Anil Babu, Nallabothula Prabhakar, Mula Nageshwar Rao, M. Rajyalaxmi, K. Rajeswari, Kalva Yadamma conspired each other and created false and forged documents impersonated him to grab the plots and to cause wrongful loss to him.

3.3 It is further stated that with the forged and false sale deeds, the initial sale of the total extent of 622.22 square yards was completed successfully by the fraudsters. It is noteworthy that all the fraudulent registrations were completed on 01.10.2016 as all the fraudsters colluded to knock away his valuable property. If the document No.5825/2020 dated 31.12.2020, through which the bank has sanctioned housing loan by depositing title deeds of the borrower Mula Nageswar Rao, is perused, the fraud of Mula Nageswar Rao would be detected. The document mentions the Xerox copies of document Nos. 1066/1985 and 24563/2016. Hence the complainant is requested to take necessary action. Basing on the said complaint, the present crime was

registered for the aforesaid offences.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and he was falsely implicated in this case. The entire allegations are levelled against accused Nos.1 to 3 only. The only allegation levelled against the petitioner in the complaint that the petitioner has signed as a witness to the document. Hence, the ingredients of Sections 467, 468 and 471 r/w 34 of IPC are not applicable to the petitioner. The petitioner is aged about 62 years, suffering with old age ailments and he is ready and willing to cooperate with the investigation and he will abide by the conditions, which are going to be imposed by this Court. Hence, prayed to grant anticipatory bail to the petitioner.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner along with the other accused has committed a grave offence and the investigation is under progress. If the petitioner is granted anticipatory bail, he will interfere with the investigation and influence the witnesses. Therefore, he 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 the only allegation made against the petitioner is that he signed as a witness to the document executed by the other accused. Even according to the learned Additional Public Prosecutor, the petitioner is not having criminal antecedents.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner/accused No.4, subject to the following conditions:

- i) The petitioner/accused No.4 is directed to surrender before the S.H.O., Vanasthalipuram Police Station, Hyderabad on or before 06.05.2025 and on such surrender, the Station House Officer is directed to release the petitioner on bail on his executing a personal bond for a sum of Rs.30,000/- (Rupees Thirty thousand only), with two sureties for a like sum each to his satisfaction.
- ii) After release, the petitioner/accused No.4 shall appear before the concerned S.H.O. at 11-00 a.m. on every Monday for a period of eight weeks or till filing of charge sheet, whichever is earlier, for the purpose of investigation and thereafter, as and when required.
- iii) After release, the petitioner/accused No.4 shall not

interfere with the investigation or influence the witnesses during the course of investigation.

iv) The petitioner/accused No.4 shall abide by the conditions stipulated under Section 482 (2) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

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

JUSTICE J.SREENIVAS RAO

Date: 01.05.2025
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