

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 5616 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioner in F.I.R. No.72 of 2025 dated 04.02.2025 on the file of Police Station, Vemulawada Town, Rajanna Siricilla District registered for the offences punishable under Sections 318 (4), 338, 336(3), 340 (2) r/w 3(5) of BNS.

2. The case of the prosecution is that *de facto* complainant stated that on 23.05.2013 he purchased the land admeasuring Ac.0.30 guntas in survey No.715 at outskirts of Vemulawada from the petitioner/accused No.1 and registered the same on his name vide registered document No.3330/2013 and from then, he is the absolute owner of the above land, and further stated that frequently he used to visit the above said land and cleared the small plants and bushes and recently he came to now that some strangers visited above land, on that he enquired and came to know that, previously which was purchased by him vide registered document No.3330/2013 without his knowledge,

without his consent and signatures and he did not went to registration, but instead of same, another person forged his signature by creating his fake Aadhar Card and kept photographs of others, certify the above, R.Kishan and K.Ashok the accused Nos.2 and 3 kept fake witness signatures on cancellation document vide document No.5089/2019 dated 10.06.2019 and the above land was sold to some others. Finally he requested to take necessary legal action against the persons who forged his signature, created his fake Aadhar Card by fix up photographs of others and cancelled his registration document with whom the person and on Kummari Shankar who sold the above land to others with his consent and R. Kishan, K. Ashok (kept witness signatures), besides this on sub-registrar and those persons who purchased the above said land illegally as well as those persons who are helped for this fake registration of above said land.

3. Heard Mr. G. Vasantha Rayudu, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for respondent -State.

4. Learned counsel for the petitioner submitted that the petitioner herein is the owner of the property the land

admeasuring Ac.0.30 guntas in survey No.715 at outskirts of Vemulawada and he executed the registered sale deed in favour of the *de facto* complainant in the year 2013. However, the *de facto* complainant alleged that the petitioner forged and created by cancellation deed dated 10.06.2019 and subsequently the petitioner and other accused alienated the property to the third parties. It is further submitted that petitioner never created any cancellation deed nor alienated the property to the third parties and further submitted that the *de facto* complainant had not mentioned any particulars to whom the subject property alienated. He also submitted that the signature in said alleged cancellation deed does not belongs to the petitioner.

5. He further submitted accused Nos.2 and 3 were granted anticipatory bail against whom the very same allegations leveled. Thus petitioner is also entitled for the grant of anticipatory bail. It is further submitted that the police with an intention to harass the petitioner included the offence under Section 467 of IPC though the said ingredient is not attracted against the petitioner. He further contended that the petitioner

is ready and willing to cooperate with the investigation and also ready to abide by the conditions, which are going to be imposed by this Court. Hence, the petitioner may be enlarged on anticipatory bail.

6. *Per contra*, learned Additional Public Prosecutor submitted that petitioner has committed grave offence, investigation is under progress and if the petitioner granted anticipatory bail at this stage, he may tamper the evidence and may threaten the witnesses, and hence, prayed to dismiss the petition.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioner not alienated the property by registered document No.3330 of 2013 dated 23.05.2013 in favour of the *de facto* complainant in respect of Ac.0.30 guntas. Even according to the learned counsel for the petitioner, he never created the cancellation deed dated 10.06.2019 nor he alienated the subject property to any third parties. Even according to the learned Additional Public Prosecutor, the petitioner is not having any criminal antecedents and also not disputed about granting of anticipatory bail to accused Nos.2 and 3.

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

- (i) Petitioner is directed to surrender before the S.H.O., Vemulawada Police Station, Vemulawada Town, Rajanna Siricilla District on or before 07.05.2025 and on such surrender, he shall be enlarged on bail on executing a personal bond for a sum of Rs.30,000/- (Rupees Thirty Thousand only), with two sureties for a like sum to his satisfaction.
- (ii) On such release, petitioner shall appear before the S.H.O., Vemulawada Police Station, Vemulawada Town, Rajanna Siricilla District on every Monday at 11-00 a.m. for a period of eight (8) weeks or till filing of the charge sheet, whichever is earlier.
- (iii) Petitioner shall abide by the conditions stipulated under Section 482(2) of BNSS and shall cooperate with the Investigating Officer in the investigation.
- (iv) Petitioner/accused No.1 shall not interfere with the investigation or influence the witnesses.

9. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J. SREENIVAS RAO, J

Date: 02.05.2025

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