

THE HONOURABLE SRI JUSTICE K.SARATH

CRIMINAL PETITION No. 6684 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/accused No.2 in Crime No.189 of 2025 on the file of Adilabad-II Town Police Station registered for the offences punishable under Section 338 of BNS .

2. The case of prosecution is that on 30.04.2025 at 12:00 hrs the complainant came to police station and lodged a complaint stating that he owns a plot in Sy.No.72/72/1 at Mahalaxmiwada, Adilabad, inherited through his family. Accused No.1 fabricated fraudulent documents and illegally sold the plot to accused No.2, both created fraudulent documents and unlawfully registered the plot in the name of accused No.2 without the complainant's knowledge and by misleading the Municipal officials to assign H.No.1-1-3/627/30. Upon investigation, the municipality confirmed that the documents were forged and subsequently cancelled the house number. A formal letter was sent to the Sub-Registrar and Municipal Officers to enquire into the matter and take appropriate action. Further the complainant alleges that accused No.1 (who fraudulently sold the plot using fake documents) and accused

No.2 (who purchased and made registration) conspired to cheat him.

Hence, he requested to take necessary action.

3. Heard learned counsel for petitioner and learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for petitioner submitted that the petitioner has not committed alleged offence as alleged by the de facto complainant and he was falsely implicated in the above crime. He further submitted that the petitioner has filed a civil suit against the complainant i.e., O.S.No.242 of 2022 and in the said suit the petitioner has obtained interim injunction and it is still subsisting in favour of the petitioner in respect of the subject property and two years thereafter de facto complainant filed the complaint against the petitioners.

5. *Per contra*, learned Additional Public Prosecutor submitted that petitioner has committed grave offence and specific allegations are leveled against the petitioner/accused No.2 and investigation is under progress and if the petitioner/accused No.2 is granted anticipatory bail at this stage, he may tamper with the evidence and may threaten the witnesses, and hence, prayed to dismiss the petition.

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 parties in respect of the subject property, this Court deems fit to grant anticipatory bail.

7. Taking into consideration of the above facts, this Court is of the considered view that petitioner/accused No.2 is entitled for grant of anticipatory bail, subject to the following conditions:

1. The petitioner/accused No.2 shall surrender before the Station House Officer of Adilabad Police Station, Adilabad District, on or before 11.06.2025, and on such surrender, the said Station House Officer shall release the petitioner/accused No.2 on bail on his executing a personal bond for Rs.50,000/- (Rupees Fifty Thousand only) with two sureties to the satisfaction of the said Station House Officer for the like sum each.
2. The petitioner/accused No.2 shall abide by the other conditions stipulated in Section 482 (2) Bharatiya Nagarik Suraksha Sanhitha, 2023 and co-operate with the Investigating Officer in investigating the case.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE K.SARATH

Date:28.05.2025

Pss/Kgk

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