

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 6713 of 2025

ORDER:

This Criminal Petition is filed under Section 482 read with 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioner/accused No.1 seeking anticipatory bail in the event of her arrest in Crime No.175 of 2025 of Chilkalguda Police Station, Rachakonda, registered for the offences punishable under Sections 316(2), 318(4) and 316(5) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. The case of prosecution in brief is that the *de facto* complainant lodged a complaint on 11.04.2025 stating that the petitioner is the wife of accused No.2 and both are with a premeditated intent to cheat and commit criminal breach of trust, dishonestly induced the *de facto* complainant to invest an amount of Rs.70,00,000/- on the false assurance of jointly developing agricultural land situated at Pochannapet Village, Bachannapet Mandal, Jangaon District and also misrepresented themselves as absolute owners by producing original passbooks and documents recorded in Dharani portal. Hence, the complaint.

3. Heard Mr. V. Surender Rao, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offences and she was falsely implicated in the present crime. Even according to the allegations made in the complaint, the ingredients of Sections 316(2), 318(4) and 316(5) read with 3(5) of the BNS are not attracted against the petitioner and more over, the punishment for the offences under Sections 316(2) and 318(4) of the BNS are below seven years. The allegations made in complaint are purely monetary disputes and with an intention to harass petitioner, Section 316(5) of the BNS is added, though the same is not attracted against the petitioner. The petitioner is ready and willing to cooperate with the investigation and also comply with the conditions, which are going to be imposed by this Court. Hence, the petitioner may be granted anticipatory bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner has committed grave offence and

the investigation is under progress. At this stage, if the petitioner granted anticipatory bail, she will interfere with the investigation and influence the witnesses. Hence, the petitioner is not entitled to seek anticipatory bail.

6. Having considered the rival submissions made by the respective parties and after perusal the material available on record, it reveals that the petitioner has borrowed amount from the *de facto* complainant. Hence, the ingredients of Section 316(5) of the BNS are not attracted against the petitioner. Even according to the learned Additional Public Prosecutor, the petitioner is not having any criminal antecedents.

7. Taking into consideration the facts and circumstances case, this Court is inclined to grant anticipatory bail to the petitioner/accused No.1 with the following conditions:

- (i) The petitioner/accused No.1 is directed to surrender before the S.H.O., Chilkalguda Police Station, on or before 18.06.2025 and on such surrender, she shall be enlarged on bail on executing a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum each.

- (ii) On such release, the petitioner shall appear before the S.H.O., Chilkalguda Police Station, on every Sunday at 11:00 a.m. for a period of six (6) weeks or till filing of the charge sheet, whichever is earlier.
- (iii) The petitioner shall abide by the conditions stipulated under Section 482 (2) of the BNSS and shall cooperate with the Investigating Officer in the investigation.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J.SREENIVAS RAO, J

Date: 11.06.2025
mar