

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 6760 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioners/accused Nos.1 and 2 seeking anticipatory bail in the event of their arrest in Crime No.197 of 2025 of Adilabad II Town Police Station, Adilabad District, registered for the offences punishable under Sections 338 and 336(2) 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 01.05.2025 at 17:00 hrs, stating that his grandfather namely Pandewar Rajareddy, owned two houses i.e., D.Nos. 7-6/1 and 7-7-9/1 in Waddara Colony, Adilabad. After his grandfather's death in 1997, his mother namely Pandewar Vijaya stated the accused No.1, who is the tenant, to manage the property and collect the rent. Initially, accused No.1 paid rents but later stopped and began claiming ownership of the portion she occupied. Despite being asked to vacate, accused No.1 refused the same. On 04.01.2023, the properties were officially transferred to the *de*

facto complainant's name through mutation. Later, he discovered that accused No.1 had created forged documents and fraudulently registered one house in the name of her son i.e., accused No.2 through a fake Gift Deed Reg. No. 1950/2023, and also obtained a new municipal door No. 7-7/6/2/A. Hence, the complaint.

3. Heard Mr. Soma Ravi Kiran Reddy, learned counsel for the petitioners, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent State.

4. Learned counsel for the petitioners submitted that the petitioners are the owners of the property i.e, house bearing No.7-7-6/2/A and in respect of the above said property, there are disputes between the petitioners and the *de facto* complainant. Petitioner No.2 approached this Court and filed W.P.no.13436 of 2025 against the official respondents as well as the *de facto* complainant and this Court, while ordering notice before admission, granted *status quo* to be maintained by both the parties, *vide* order dated 28.04.2025 and the said writ petition is pending. He further submitted that when the

said writ petition is pending, the *de facto* complainant lodged a complaint and the present crime was registered to settle the civil disputes, which are pending between the parties. Further, the ingredients of Section 338 of the BNS are not attracted against the petitioners and the punishment for the other offence is up to seven years. Petitioner No.1 is aged about 60 years old woman and petitioner No.2 is eking out of his livelihood by doing labour work. The petitioners are 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 petitioners may be granted anticipatory bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioners have committed grave offence and the investigation is under progress. At this stage, if the petitioners granted anticipatory bail, they will interfere with the investigation and influence the witnesses. Hence, the petitioners are 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 there are disputes between the *de facto* complainant and the petitioners. The record further reveals that petitioner No.2 approached this Court and filed W.P.No.13436 of 2025 against the *de facto* complainant, who was made as party respondent No.3 and the official respondents and this Court was pleased to order notice before admission and granted interim order directing the parties to maintain *status quo* in respect of the property mentioned in the writ petition and the said writ petition is pending. Even according to the learned Additional Public Prosecutor, the petitioners are not having any criminal antecedents.

7. Taking into consideration the facts and circumstances case, this Court is inclined to grant anticipatory bail to the petitioners/accused Nos.1 and 2 with the following conditions:

- (i) The petitioners/accused Nos.1 and 2 are directed to surrender before the Station House Officer, Adilabad II town Police Station, Adilabad District on or before 23.06.2025 and on such surrender, they shall be enlarged on bail on their 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.

(ii) On such release, the petitioners/accused Nos.1 and 2 shall appear before the Station House Officer, Adilabad II town Police Station, Adilabad 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) The petitioners/accused Nos.1 and 2 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: 16.06.2025
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