

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO
CRIMINAL PETITION No.7023 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused No.1, seeking anticipatory bail under Section 482 of the Bharatiya Nagrik Suraksha Sanhita (BNSS), 2023 in connection with Crime No.160 of 2025 of Khairatabad Police Station, Hyderabad District, registered for the offences punishable under Sections 338, 336 (3), 340 (2), 316 (5), 318 (4) and 61 (2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Mr.T.Prathyumna Kumar Reddy, learned Senior Counsel representing Mr.D.Raghavendar Rao, learned counsel for the petitioner/accused No.1 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The case of the prosecution is that on 03.05.2025, basing on the report of DSP, CID, EOW, TG, Hyderabad, respondent/Police have registered a case in Crime No.160 of 2025 alleging that originally the subject property was seized in a criminal case by the complainant authorities and filed charge sheet and the same was numbered as C.C.No.137 of 1994 and was disposed of by XVII Metropolitan Magistrate, Hyderabad on 18.12.1995 acquitting the accused, and an appeal preferred against said judgment in Crl.A.No.805 of 1996 was

dismissed on 08.08.2003 confirming the judgment of trial Court. Thereafter, Crl.M.Ps filed for seeking return of case property documents were dismissed by I Additional Chief Metropolitan Magistrate, Hyderabad on 25.08.2008 with an advise to authorities addressed a letter to SRO, S.R.Nagar on 25.05.2011 requesting to place the subject property vide H.No.6-3-566, Mehar Manzil, Erramanzil, Hyderabad admeasuring 3356 square yards in Prohibited list. Accordingly, the said property was kept in prohibited list. Recently, when the complainant sought information pertaining to the said property from 1985 to till date, the Sub-Registrar, S.R. Nagar/Accused No. 3, furnished information indicating that the property was transferred to Accused No. 2 by the petitioner/Accused No. 1 on 04.04.2025, vide Document No. 1077 of 2025. Based on this, the present complaint was registered.

4. Learned Senior Counsel for the petitioner/accused No.1 submitted that the petitioner has not committed any offence and he was falsely implicated in the aforesaid crime. He further submits that, even according to the allegations made in the complaint, the ingredients of 338 of BNS are not attracted against the petitioner, as the petitioner has neither created nor forged any documents and the punishment prescribed for the other offences is below seven years. He further submits petitioner is the owner of the property to an extent of 3356 Sq. yds. along with

house and he succeeded the same from his grand father. Accordingly, the petitioner had executed the registered sale deed in favour of accused No.2. The *de facto* complainant lodged the complaint on 03.05.2025 alleging that the AP Christian Medical Education Society is claiming rights over the subject property and that the petitioner alienated the said property in favour of accused No.2. The allegations made in the complaint are purely civil in nature. He further submits that accused No.3, who is none other than the Sub-Registrar and who entertained the documents and registered the said document, was granted anticipatory bail by the learned II Additional Sessions Judge, Hyderabad in Crl.M.P.No.2588 of 2025 on 02.06.2025 and the very same allegations are leveled against the petitioner.

4.1 Learned Senior Counsel for the petitioner further submitted that the subject property is already included in the prohibited list and entire documents are within the custody of the prosecution. Therefore, the question of the petitioner interfering with or influencing the investigation does not arise. He further submitted that petitioner is an old aged person and suffering with old age ailments and he is not having any other criminal antecedents and he is ready and willing to cooperate with the investigation and also abide by the conditions which are going

to be imposed by this Court, and hence, prayed for grant of anticipatory bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner has committed grave offence and he alienated the property and executed the registered sale deed in favour of accused No.2, even without having any rights in respect of subject property. He further submitted that the investigation is under progress and at this stage, if the petitioner is enlarged on anticipatory bail, there is every chance to interfere with the investigation and also influence the witnesses. 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 petitioner is claiming the rights over the property in respect of the house bearing No.6-3-566, Mehar Manzil, Erramanzil, Hyderabad, admeasuring 3356 Sq. yds. through his ancestors, whereas the AP Christian Medical Education Society (APCMES) is also claiming rights over the subject property. The record further reveals that accused No.3, who is the Sub-Registrar, filed application for grant of anticipatory bail vide CrI.M.P.No.2588 of 2025 and the learned II Additional Sessions Judge, Hyderabad, granted anticipatory bail in his favour on 02.06.2025.

The specific contention of the learned Senior Counsel for the petitioner is that the subject property was already included in the prohibited list, and therefore, the question of further alienating the said property to the third parties does not arise. Even according to the learned Additional Public Prosecutor, the petitioner is not having any criminal antecedents.

7. Taking into consideration the said facts, this Court is inclined to grant anticipatory bail to the petitioner/accused No.1 subject to the following conditions.

- i. The petitioner/accused No.1 shall surrender before the Station House Officer of Khairatabad Police Station, on or before 03.07.2025, and on such surrender, the said Station House Officer shall release the petitioner/accused No.1 on bail on his executing a personal bond for Rs.1,00,000/- (Rupees one lakh only) with two sureties, for a like sum each.
- ii. After release, the petitioner/accused No.1 shall appear before the concerned SHO at 11.00 A.M. on every Monday, for a period of six (6) 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.1 shall not influence the witnesses or interfere with the investigation.
- iv. The petitioner/accused No.1 shall abide by the other conditions stipulated in Section 482 (2) of BNSS and co-operate with the Investigating Officer in investigating the case.

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8. Accordingly, the Criminal Petition is allowed.

As a sequel, miscellaneous petitions, pending if any, stand closed.

J.SREENIVAS RAO, J

Date: 27.06.2025

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