

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

Criminal Petition No.7024 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused No.2, seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.96 of 2025 of Adilabad I Town Police Station, Adilabad District, registered for the offences punishable under Sections 329 (3), 318 (4), 336 (3) and 340 (2) of Bharatiya Nyaya Sanhita, 2023.

2. Heard Ms.Keerthi, learned counsel representing Mr.Y.Bala Murali, learned counsel for the petitioner/accused No.2 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The petitioner is not seeking relief against the respondent No.2, inadvertently the name of respondent No.2 is included as a party respondent. Hence, learned counsel for the petitioner seeks permission to withdraw the criminal petition against respondent No.2.

4. In view of the above said submission, Criminal Petition is dismissed as withdrawn against respondent No.2.

5. The case of the prosecution is that the accused No.2 allegedly claimed ownership over 4,225 sq. ft. of Municipal land near House No. 6-6-36, Bhuktapur, Adilabad, by misleading officials and obtaining Assessment No. PTIN 94032238 and Door No. 6-6-36/2/1. Based on this, he sold the land to accused No.1 via Reg. Doc. No. 376/2025 dated 07.01.2025. Upon discovering the land belonged to the Municipality, the assessment and door number were revoked and deleted from official records. A letter (Roc. No. A1/05/2024-2025, dated 20.02.2025) was sent to the Sub-Registrar to cancel the registration. Despite this, accused No.1 continued possession and began illegal construction. Municipal authorities issued warnings to vacate and halt construction, but he did not comply. Aggrieved by this, accused No.1 filed an affidavit in I.A.No. 44 of 2025 in O.S.No. 22 of 2025 and obtained a temporary injunction. Taking advantage of the interim order, he continued unauthorized construction without court or municipal permission. The complainant has requested legal action and registration of a criminal case for land grabbing and illegal construction on Municipal property. Basing on this, the present FIR was registered.

6. Learned counsel for the petitioner/accused No.2 submitted that the petitioner has not committed any offence and he was falsely implicated in the aforesaid crime. She further submits that entire allegations are leveled only against accused No.1. The only allegation made against the petitioner is that accused No.1 forged the created document in the name of the petitioner, though the petitioner is not party to the said document. She further submits that accused No.1 filed suit vide O.S.No.22 of 2025 on the file of learned Junior Civil Judge against the Chairman, Municipal Council, Adilabad Municipality, seeking perpetual injunction, in respect of the very same subject property. There are civil disputes pending between the parties. She further submitted that petitioner is an old aged person and suffering with old age ailments and he is ready and willing to cooperate with the investigation officer and also abide by the conditions which are going to be imposed by this Court, and hence, prayed for grant of anticipatory bail.

7. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner has committed grave offence and the investigation is under progress and at this stage if the petitioners are enlarged on anticipatory bail, there is every chance to interfere with the

investigation and also influence the witness. Hence, prayed to dismiss the petition.

8. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that in respect of the same subject property, Civil Suit No. 22 of 2025 is pending between Accused No. 1 and the Chairman, Municipal Council, Adilabad, before the learned Junior Civil Judge, Adilabad. The record reveals that, even according to the learned Additional Public Prosecutor, accused No.1 was arrested and he was enlarged on bail and the petitioner/accused No.2 is suffering with old age ailments.

9. Taking into consideration the said facts, this Court is inclined to grant anticipatory bail to the petitioner/accused No.2 subject to the following conditions.

1. The petitioner/accused No.2 shall surrender before the Station House Officer of Adilabad I-Town Police Station, on or before 24.06.2025, 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, for a like sum each.

2. After release, the petitioner/accused No.2 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.
 3. After release, the petitioner/accused No.2 shall not influence the witnesses or interfere with the investigation.
 4. 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.
10. Accordingly, the Criminal Petition is allowed.

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

J.SREENIVAS RAO, J

Date: 19.06.2025
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Dt: 19-06-2025

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