

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.7404 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner/accused, seeking anticipatory bail in connection with Crime No.417 of 2025 on the file of the Jubilee Hills Police Station, Hyderabad registered for the offences punishable under Sections 467, 468, 471, 420, 427 and 447 of IPC.

2. Heard Sri Dasari Shreedhar, learned counsel, representing Sri T.S.Anirudh Reddy, learned counsel for petitioner through video conference and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3.1 The case of prosecution in brief is that on 13.06.2025 at about 21-30 p.m., the *de-facto* complainant lodged a complaint with the police alleging that 15 years back the petitioner encroached about 2000 square yards in Greater Hyderabad Municipal Corporation (GHMC) open space beside Society Clinic land at Road No.1, Jubilee Hills, Hyderabad and started running Nursery by

creating false documents with a forged allotment letter from the then Chairman, Jubilee Hills Cooperative House Building Society Ltd. vide letter No. JCS/622/95 dated 02.09.1995 in which it was stated that he was in occupation of the said land since 1976 and running Nursery business with the permission of the Society for the land/house situated at H.No.8-2-293/82/A/D, Road No.1, Jubilee Hills. He also created Ration card, Voter ID and Aadhaar card under the above mentioned false address. Further, he has paid Property Tax to GHMC on the H. No. 8-2-293/A/D in the year 2010 for the year 2007 to 2011. It is pertinent to mention here that as per the Aadhaar card, his year of birth was 1968 and his present age is about 57 years. That the Jubilee Hills Cooperative House Building Society raised a complaint before the GHMC and accordingly GHMC issued a notice.

3.2 It is further alleged that the petitioner aggrieved with such action, approached this Hon'ble High Court *vide* W.P. No. 21275 of 2010. That GHMC on 27.09.2010 gave a Notice to A-1 for removal/vacation of encroachment of open space and directed him to submit his explanation with documentary evidence if any within 7 days failing

which action will be initiated under Section 405 of GHMC Act 1955. On 04.10.2010, A-1 gave an explanation to the G.H.M.C. Notice dated 27.09.2010. On 22.10.2010, the G.H.M.C. vide Notice No. 305/ACP/CX/G.H.M.C./2010 informed the accused that his explanation is false and baseless and as per the record, there is no property assessed in his name and allotted and hence his explanation is rejected and directed him to vacate the open space within 24 hours failing which, G.H.M.C. will take action for removal of encroachment. On 07.03.2022 the Society vide letter No. JHCHBS/413/2022 addressed to the Commissioner, G.H.M.C. and informed about the G.H.M.C. open space encroachment beside the Society Clinic Land by the accused Sri Satyanarayana and that he was running the business of Nursery and requested to take appropriate action against the encroachers into the G.H.M.C. open space. But no action was taken by G.H.M.C. In this regard, it came to the notice of the Society that accused has tried to sell the scheduled land open space with the help of the false documents. Basing on the same, the present crime was registered for the aforesaid offences.

4.1 Learned counsel appearing on behalf of the petitioner submitted that the petitioner has not committed any offence and he was falsely implicated in the present crime to resolve the property dispute which is pending before this Court in W.P.No.21275 of 2010 between the petitioner and *de-facto* complainant. He further submitted that the petitioner has not encroached any portion of the property as alleged in the complaint and in respect of the very same subject property mentioned in the complaint, the petitioner had approached this Court and filed W.P.No.21275 of 2010 against the Government as well as the *de facto* complainant and this Court while admitting the writ petition granted interim order on 25.08.2010 and the said writ petition is still pending.

4.2 He further submitted that even according to the allegations made in the complaint, the ingredients of Section 467 of IPC are not attracted against the petitioner and except the said offence all the other offences are punishable with an imprisonment up to seven years. The petitioner is aged about 58 years and he is not having any criminal antecedents and he is ready and willing to cooperate with the investigation and he will abide by the

conditions, which are going to be imposed by this Court. Hence, prayed to grant anticipatory bail to the petitioner.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner has committed the grave offence and there are specific allegations levelled against the petitioner to attract the ingredients of Section 467 of IPC and other offences also and the investigation is under progress and at this stage, if the petitioner is granted anticipatory bail, he will interfere with the investigation and influence the witnesses. Hence, the petitioner is not entitled for grant of anticipatory bail.

6. 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 property claimed by the *de facto* complainant in the present case, the petitioner had approached this Court and filed W.P.No.21275 of 2010 against the Government as well as the *de facto* complainant and this Court while admitting the writ petition law on 25.08.2010 granted interim order directing the respondents therein not to interfere with the business of the petitioner and not to demolish the structures in question without following due

process of law. Even according to the learned counsel for the petitioner, the above said writ petition is pending and the interim order passed by this Court is continuing. In respect of the very same property, basing on the complaint lodged by the *de facto* complainant, the present crime was registered on 13.06.2025. Even according to the learned Additional Public Prosecutor, the petitioner is not having any criminal antecedents.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner/accused, subject to the following conditions:

- i) The petitioner/accused is directed to surrender before the S.H.O., Jubilee Hills Police Station, on or before 02.07.2025 and on such surrender, the Station House Officer is directed to release the petitioner on bail on each of them executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only), with two sureties for a like sum each to his satisfaction.
- ii) After release, petitioner/accused shall appear before the concerned S.H.O. at 11-00 a.m. on every Monday for a period of six 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 shall not influence

the witnesses or interfere with the investigation.

- iv) After release, the petitioner/accused shall abide by the conditions stipulated under Section 482 (2) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

As a sequel thereto, miscellaneous applications, if any, pending in this petition stand closed.

JUSTICE J.SREENIVAS RAO

Date: 25.06.2025
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