

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.7443 of 2025

Order:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarika Suraksha Sanhita, 2023 (for short, 'BNSS') seeking anticipatory bail to the petitioners/accused Nos.1 to 4 in Crime No.275 of 2024 of Mavala Police Station, Adilabad District, registered for the offences punishable under Sections 447, 341, 420, 468 and 471 r/w 34 of the Indian Penal Code, 1860 (for short 'the IPC') .

2. The case of prosecution in brief is that on 14.09.2024 at about 19:00 hours, the complainant lodged a complaint, stating that he is the President of Kailashnagar Development Committee (for short 'the Committee') and the Committee was allotted 20 acres of Government land in Survey No.21/4 of Dasnapur Village for allotment of house sites to TNGOs of Adilabad Unit and according to the layout plan prepared by the Committee, total number of plots was 225 out of which 217 plots were allotted to the registered society members and eight plots were reserved for development of various activities of the

NGOs and on 09.06.2024, when the members of the Committee started construction of compound wall to protect those eight plots, petitioners/accused Nos.1 to 4 and other accused obstructed them stating that they purchased those plots and on enquiry, the complainant came to know that accused created false documents and made false registrations for grabbing the lands of the Committee. Basing on the said complaint, the present crime is registered against the petitioners/accused Nos.1 to 4 and other accused for the aforesaid offences.

3. Heard Mr. S. Ravi Kiran Reddy, learned counsel for the petitioners/accused Nos.1 to 4 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners submits that the petitioners have not committed any offence and they were falsely implicated in this case only to resolve the civil disputes pending before the competent civil court. He further submits that petitioner Nos.2 and 4 filed separate suits for perpetual injunction against the President of Hanuman Temple *vide*

O.S.No.111 of 2024 on the file of I Additional Junior Civil Judge, Adilabad, and O.S.No.112 of 2024 on the file of Principal Junior Civil Judge, Adilabad, in respect of the very same property as claimed by the complainant and in both the suits, interlocutory applications were filed seeking temporary injunction, which were allowed and the injunction order is subsisting and hence, the ingredients of Sections 447, 341, 420, 468 and 471 r/w 34 of IPC are not attracted against the petitioners. Learned counsel further submits that initially the crime was registered for the offences under Sections 447, 341, 420, 468 and 471 r/w 34 of IPC only, but later with an intention to harass the petitioners, Section 467 of IPC was added although the same is not applicable to the facts of the case. He further submitted that accused No.5 was arrested on 17.06.2025 and released on bail pursuant to the order dated 20.06.2025 passed by the Special Judicial First Class Magistrate (PCR) at Adilabad, in CrI.M.P.No.223 of 2025 and petitioner No.1 is aged 70 years and suffering from old age ailments and petitioner No.2 is eking out his livelihood by

doing private employment and petitioners No.3 and 4 are housewives and none of them are having any criminal antecedents and therefore, prays to grant anticipatory bail as the petitioners are ready and willing to cooperate with the investigation and abide by the conditions as may be imposed by this Court.

5. On the other hand, learned Additional Public Prosecutor submitted that petitioners have committed grave offence and specific allegations are levelled against them and the investigation is under progress. Therefore, if the petitioners are granted anticipatory bail at this stage, there is every chance of their influencing the witnesses and interfering with the investigation. Learned Additional Public Prosecutor further submits that the complainant is not a party to the suits filed by petitioners No.2 and 4 and the injunction order passed by the concerned court is not binding the complainant. Hence, prayed to dismiss the criminal petition.

6. Having considered the rival submissions made by learned counsel for the respective parties and after perusal of the

material available on record, it reveals that petitioners No.2 and 4 filed two separate suits for perpetual injunction and *ad interim* injunction orders have been passed therein *vide* orders dated 29.08.2024 and the same have become final. The record further reveals that accused No.5 was enlarged on bail vide order dated 20.06.2025, passed in CrI.M.P.No.223 of 2025. Even according to the learned Additional Public Prosecutor petitioners are not having any criminal antecedents.

7. In view of the same, this Court is inclined to grant anticipatory bail to the petitioners/accused Nos.1 to 4, subject to the following conditions:

- i. The petitioners/accused Nos.1 to 4 shall surrender before the Station House Officer, Mavala Police Station, Adilabad District, on or before 02.07.2025, and on such surrender, the said Station House Officer shall release the petitioners/accused Nos.1 to 4 on bail on each of them executing personal bonds for Rs.20,000/- (Rupees Twenty Thousand only) with two sureties each for a like sum.
- ii. On such release, petitioners/accused Nos.1 to 4 shall appear before the Station House Officer,

Mavala Police Station, Adilabad District, on every Monday at 11:00 a.m. for a period of four (4) weeks or till filing of the charge sheet, whichever is earlier, for the purpose of investigation, and thereafter, as and when required.

iii. After release, the petitioners/accused Nos.1 to 4 shall not influence the witnesses or interfere with the investigation.

iv. Petitioners/accused Nos.1 to 4 shall abide by the conditions stipulated under Section 482(2) of BNSS and shall cooperate with the Investigating Officer in the investigation.

8. Accordingly, the Criminal Petition is allowed.

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

Date: 26.06.2025
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J.SREENIVAS RAO, J