

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.7459 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioners/accused Nos.1 to 3 and 5, seeking anticipatory bail in connection with Crime No.269 of 2025 of Kothapally Police Station, Karimnagar District registered for the offences punishable under Sections 420, 467, 468, 471, 120-B, 290 and 506 r/w 34 of IPC.

2. Heard Sri M.Ram Mohan Reddy, learned counsel for the petitioners and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3. The case of prosecution in brief is that on 14.06.2025 at 20-00 hours stating that the *de-facto* complainant-Shaik Abubakar of Karimnagar, alleged that his maternal grandmother originally held patta rights over Ac.1.20 guntas in Sy. No. 227 of Rekurthi Village. This land was passed down to his mother and later came into the possession of his sister, from whom, he obtained a General Power of Attorney in 2010 and cultivated the land. In 2012, accused Asthapuram Sailu (A-4), Mallaiah

(A-6), and another person attempted to encroach the land, leading to a civil suit O.S. No. 307 of 2012, which was decreed in Abubakar's favor in 2019. The accused appealed the decision *vide* Appeal No. 11 of 2024 on the file of the II Additional District Judge at Karimnagar. Meanwhile, in 2014, Abubakar sold 2783 sq. yds. to one Raghuram and retained 0.37 guntas. He further alleged that accused Nos.1 to 6 conspired to create false sale deeds document No.12965/2013 showing fake ownership under non-existent survey numbers 231, 232, 233 forcibly entered and began clearing the land. His workers who attempted to intervene were threatened. Later, he discovered from the Tahsildar that the above mentioned survey numbers do not exist. The accused continued to threaten him. Based on the same, present case was registered against the accused for the aforesaid offences.

4. Learned counsel for the petitioners submitted that the petitioners have not committed any offence and they were falsely implicated in this case. Even according to the allegations made in the complaint, entire allegations levelled in the complaint are purely civil in nature. He further submitted that in respect of very same subject

property, civil disputes are pending and A.S.No.11 of 2024 is pending on the file of II Additional District Judge, Karimnagar. To resolve the said disputes, the *de-facto* complainant lodged the present complaint. The ingredients of Section 467 of IPC are not attracted and except the said offence, all the other offences are punishable with an imprisonment of below seven years. Accused No.4 was died on 12.01.2018 and accused No.6 is also no more. However, the *de-facto* complainant lodged the complaint against the dead persons. The petitioners are ready and willing to cooperate with the investigation and also abide by the conditions which are going to be imposed by this Court. Hence, prayed to grant anticipatory bail to the petitioners.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioners have committed the grave offence and the investigation is under progress and at this stage, if the petitioners are granted anticipatory bail, they will interfere with the investigation and influence the witnesses. Hence, the petitioners are 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 there are civil disputes pending between the parties. Even according to the learned counsel for the petitioners, A.S.No.11 of 2024 is pending on the file of the II Additional District Judge, Karimnagar, in respect of the property mentioned in the complaint. In support of the above said submission, he filed Memorandum of grounds of Appeal along with the present criminal petition as a material paper. Even according to the learned Additional Public Prosecutor, the petitioners are not having criminal antecedents.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners/accused Nos.1 to 3 and 5, subject to the following conditions:

- i) The petitioners/accused Nos.1 to 3 and 5 are directed to surrender before the S.H.O., Kothapally, Karimnagar District on or before 30.06.2025 and on such surrender, the Station House Officer is directed to release the petitioners on bail on each of them executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousands only), with two sureties for a like sum each to his satisfaction.
- ii) After release, petitioner Nos.2 and 3/accused Nos.2 and 3 shall appear before the concerned S.H.O. at 11-00 a.m. on every Monday for a period of eight weeks or till filing of

charge sheet, whichever is earlier, for the purpose of investigation and thereafter, as and when required. The accused Nos.1 and 5 shall appear before the concerned S.H.O. whenever their presence is required.

- iii) After release, the petitioners/accused Nos.1 to 3 and 5 shall not interfere with the investigation and influence the witnesses.
- iv) After release, if the petitioners/accused Nos.1 to 3 and 5 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: 23.06.2025
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