

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.7659 of 2025

Order:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') seeking anticipatory bail to the petitioners/accused Nos.1 to 3 in Crime No.25 of 2025 of I Town Police Station, Karimnagar, registered for the offences punishable under Sections 120-B, 406, 417, 447, 467, 472 and 506 r/w Section 34 of the Indian Penal Code, 1860 (for short 'IPC').

2. The case of prosecution in brief is that on 01.03.2024 at about 11:00 hours, the complainant lodged a complaint, stating that petitioner No.1/accused No.1 with the help of petitioners No.2 and 3/accused Nos.2 and 3 fabricated a document, in respect of her property, by forging the complainant's signature and used the said document as original and cheated the complainant and when the complainant questioned, the petitioners trespassed into the property in dispute and

threatened the complainant and her daughter with dire consequences. Basing on the said complaint, the present crime was registered against the petitioners for the aforesaid offences.

3. Heard Mr. D.Suresh Kumar, learned counsel for the petitioners/accused Nos.1 to 3 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 have been falsely implicated in this case. Learned counsel further submits that the complainant is none other than the sister of petitioner No.1 and in fact, the complainant executed an agreement of sale in respect of the property in dispute in favour of petitioner No.1 but failed to execute a registered sale deed and on the contrary, she registered a gift settlement deed in favour of her son-in-law on 18.03.2011 and as such, petitioner No.1 filed O.S.No.15 of 2020 on the file of the learned Additional Senior Civil Judge, Karimnagar, seeking specific performance of agreement of sale and for declaration

that the registered gift settlement deed executed by the complainant in favour of her son-in-law is null and void and while the said suit was pending, the complainant filed a private complaint before the Judicial Magistrate of First Class at Karimnagar and the same was referred to the Police, based on which the present crime was registered against the petitioners on 10.01.2025. Learned counsel further submits that the complainant lodged the complaint after lapse of more than four years and even according to the allegations made in the complaint the ingredients of Sections 120-B, 406, 417, 447, 467, 472 and 506 of IPC are not attracted against the petitioners and hence, the petitioners be granted anticipatory bail as they 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 petitioner No.1 with the help of accused Nos.2 and 3, fabricated an agreement of sale in respect of the

property in dispute, by forging the complainant's signature and on the basis of the said fabricated document, petitioner No.1 is claiming rights over the said property and there are serious allegations levelled against the petitioners and the investigation is under progress and at this stage, if the petitioners are granted anticipatory bail, there is every chance of their influencing the witnesses and interfering with the investigation. Hence, he prays to dismiss the 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 the complainant is none other than the sister of petitioner No.1 and civil disputes are pending between them in respect of the property mentioned in the complaint and it is alleged that the complainant executed an agreement of sale in respect of the property in dispute in favour of petitioner No.1 but failed to execute a registered sale deed and on the contrary, she registered a gift settlement deed in favour of her son-in-law on

18.03.2011 and as such, petitioner No.1 filed a suit for specific performance of agreement of sale and for declaration that the registered gift settlement deed executed by the complainant in favour of her son-in-law is null and void and the said suit is pending. Learned counsel further submits that the complainant filed an application to send the agreement of sale to a hand writing expert and the said application is pending. Even according to the learned Additional Public Prosecutor, the 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 3, subject to the following conditions:

- i. The petitioners/accused Nos.1 to 3 shall surrender before the Station House Officer, I Town Police Station, Karimnagar, on or before 05.07.2025, and on such surrender, the said Station House Officer shall release the petitioners/accused Nos.1 to 3 on bail on each of them executing personal bonds for Rs.25,000/-

(Rupees Twenty Five Thousand only) with two sureties each for a like sum.

ii. On such release, the petitioners/accused Nos.1 to 3 shall appear before the Station House Officer, I Town Police Station, Karimnagar, 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 3 shall not influence the witnesses or interfere with the investigation.

iv. Petitioners/accused Nos.1 to 3 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: 27.06.2025
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J.SREENIVAS RAO, J