

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.7798 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 No.1 to 9 in Crime No.223 of 2025 of Kothapalli Police Station, Karimnagar District, registered for the offences punishable under Sections 318(4), 338, 336(3), 340(2), 329(3), 292 and 351(2) r/w 3(5) of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of prosecution in brief is that on 05.05.2025 at about 15:30 hours, the complainant lodged a complaint, stating that the petitioners have created a fake document and produced the same as genuine and criminally trespassed into the land of the complainant, abused him in filthy language and threatened him with dire consequences. Basing on the said complaint, the present crime is registered against the petitioners for the aforesaid offences.

3. Heard Mr. Y.Bala Murali, learned counsel for the petitioners/accused Nos.1 to 9 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor for respondent No.1/State.

4. Learned counsel for the petitioners submitted that petitioner No.1 was assigned an extent of Ac.0.20 guntas in Survey No.272/14 of Kothapalli Village, Karimnagar District, on 03.06.1986 and since then he has been in possession and enjoyment of the same and his name was mutated in the revenue records and pattadar passbooks and title deeds were also issued in his favour. While so, the grandfather of complainant filed OS.No.449 of 1998 on the file of Junior Civil Judge, Karimnagar, in respect of the said property and when petitioner No.1 tried to register the land in favour of petitioners No.2 to 9, the Sub-Registrar, Karimnagar refused to do so and hence, petitioner No.1 filed W.P.No.32219 of 2024 before this Court and the said writ petition was disposed of on 19.11.2024, with a direction to the Sub-Registrar, Karimnagar to receive the documents. Accordingly petitioner No.1 had

executed registered sale deed in favour of petitioners No.2 to 9. Learned counsel submits that the complainant lodged the present complaint with an intention to dissolve the civil disputes and the nature of allegations made in the complaint are purely civil in nature and the ingredients of Section 338 of BNS are not attracted against the petitioners and the petitioner 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 specific allegations are levelled against the petitioners and the investigation is under progress and hence, the petitioners are not entitled for grant of anticipatory bail.

6. Having considered the rival submissions made by respective parties and after perusal of the material available on record, it reveals that there are civil disputes pending between petitioner No.1 and complainant and while petitioner No.1 is claiming rights over the subject property pursuant to the assignment patta granted in his favour, the complainant filed

OS.No.449 of 1998 on the file of Junior Civil Judge, Karimnagar, in respect of the subject property, and thereafter, petitioner No.1 filed W.P.No.32219 of 2024 in respect of the very same property and pursuant to the order dated 19.11.2024 passed therein, executed registered sale deed in favour of petitioners No.2 to 9. 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 9, subject to the following conditions:

- i. The petitioners/accused Nos.1 to 9 shall surrender before the Station House Officer, Kothapalli Police Station, Karimnagar District, on or before 14.07.2025, and on such surrender, the said Station House Officer shall release the petitioners/accused Nos.1 to 9 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 9 shall appear before the Station House

Officer, Kothapalli 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 9 shall not influence the witnesses or interfere with the investigation.

iv. Petitioners/accused Nos.1 to 9 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: 07.07.2025
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J.SREENIVAS RAO, J