

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.8346 of 2025

Order:

This Criminal Petition is filed by the petitioners/accused Nos.1 and 2 under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking regular bail in connection with Crime No.05 of 2025 on the file of the PS EOW Team-V, CCS, Hyderabad, registered for the offence punishable under Section 420 r/w. 34 of Indian Penal Code, 1860 (for short 'IPC').

2. Heard Mr.Khaja Arajuddin, learned counsel representing Mr.Syed Osman, learned counsel for the petitioners/accused Nos.1 and 2 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. Case of the prosecution is that on 18.01.2025 at 20:30 hours, the complainant lodged a complaint stating that through a friend, he became acquainted with Mohd Azeemuddin, who claimed to have multiple businesses and offered to sell him agricultural dry land (Sy. No. 267, admeasuring Ac. 1.36 Gts) at Shankarpally, Ranga Reddy District, for Rs.2 crores. On 09.12.2021, Azeemuddin

executed a sale agreement at the complainant's office in Mehdipatnam and received Rs.1 crore as advance, Rs.75 lakhs in cash and Rs.25 lakhs through RTGS payments made to entities linked to him. The remaining Rs.1 crore was to be paid at registration. Later, Azeemuddin delayed registration and further convinced the complainant to invest around Rs.1.5 crores in his scrap metal business, showing fake documents. When no profits were received, the complainant verified the property and found it had already been sold in 2011 via an agreement of sale-cum-GPA to one Mir Sadiq Ali. But, Azeemuddin had concealed this fact and executed a fraudulent agreement in 2021. When asked to return the money, Azeemuddin refused and threatened the complainant. Thus, Azeemuddin and others cheated him under the guise of a property sale. Basing on the same, present crime was registered.

4. Learned counsel for the petitioners/accused Nos.1 and 2 submits that the petitioners have not committed any offence and they were falsely implicated in the aforesaid crime. Even according to the allegations made in the complaint, the dispute is purely civil in nature and the de facto complainant, with an intention to harass

the petitioners, has implicated them in the present crime and the ingredients under Section 420 of IPC is not attracted and the offence levelled against the petitioners is punishable up to seven years. He further submitted that petitioners were arrested on 04.06.2025 and since then they were in judicial custody and the entire investigation is completed except filing of chargesheet and they are not having any criminal antecedents and therefore, they may be granted bail as they are ready and willing to cooperate with the investigation and abide by the conditions that may be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor submits that the investigating officer has issued notice as contemplated under Section 35 (3) of BNSS. However, as the the petitioners failed to cooperate with the investigating, the Police arrested them after following the due procedure of law. He further submitted that investigation is under progress and if the petitioners are enlarged on bail at this stage, they will interfere with the investigation and influence the witnesses. Hence, he prays to dismiss this criminal petition.

6. Having heard learned counsel for the parties and on perusal of the record, it reveals that the offence levelled against the petitioner is punishable with imprisonment upto seven years. The record further reveals that the investigating officer issued a notice under Section 35 (3) of BNSS. However, due to non-cooperation with the investigation, the investigating officer, after following the procedure, arrested the petitioners on 04.06.2025 and since then they were in judicial custody. Even according to the learned Additional Public Prosecutor, 11 witnesses were examined and the petitioners are not having any criminal antecedents.

7. In view of the same, this Court is inclined to grant bail to the petitioners/accused Nos.1 and 2 subject to the following conditions:

- (i) The petitioners/accused Nos.1 and 2 shall execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties for a like sum each to the satisfaction of the XII Additional Chief Judicial Magistrate at Nampally, Hyderabad.

(ii) On such release, the petitioners/accused Nos.1 and 2 shall appear before the concerned Station House Officer at 11.00 A.M., on every Monday, for a period of eight (8) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter, as and when required.

(iii) After release, petitioners/accused Nos.1 and 2 shall not influence the witnesses or interfere with the investigation.

(iv) The petitioners/accused Nos.1 and 2 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

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

Date: 14.07.2025
Lk/nit

J.SREENIVAS RAO, J