

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.10884 OF 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioners herein in Crime No.896 of 2025 of Raidurgam Police Station, Ranga Reddy District.

2. The case of the prosecution is that the *de-facto* complainant lodged a report before the Police, stating that he is a member of the Telugu Cine Workers Cooperative Housing Society Limited, and was allotted Flat Number 803, MIG Block 9, in the year 2012 by a five-member committee constituted by the then Government of Andhra Pradesh. He further stated that he paid the entire consideration amount in installments, cleared all dues by February 2020, and also paid Rs.25,000/- in March 2020 towards registration charges, along with submitting the required documents for registration. Despite his repeated follow-ups with the Society President, Committee Members, and staff, the registration of his flat was not completed. Later, in the month of December, when he

attended a function organized by the society, he found that some interior works were being carried out in his allotted flat. Upon enquiry, he came to know that the flat had already been registered in the name of Mr. Alla Shiva Kumar on 01.11.2022, with the intention to cheat the complainant. Mr. Alla Shiva Kumar and the Management Committee Members colluded and registered the flat to Mr. Alla Shiva Kumar. As such, the complainant requested to take necessary action against the petitioners.

3. Heard Mr. R.N. Hemanderanath Reddy, learned senior counsel representing Mr. Sannapaneni Lohit, learned counsel appearing for the petitioners as well as Sri Arun Kumar Doddla, learned Additional Public Prosecutor appearing on behalf of the respondent-State.

4. Learned counsel for the petitioners contended that the allegations even if taken at their face value do not constitute any criminal offence, thus, Telugu Society is a Society registered under Telangana Co-operative Society Act the affairs of the Society including the rights and obligations, are comprehensively conclude by the comprehensive act and the rules frames thereunder and the allegations made by the complainant comes vide dispute between alleged number and

launching committee on the society. It is clearly covered under the statutory mechanism chapter VIII of the Act. Whereas, the complainant herein filed the criminal case. It is nothing but on arm trusting method and there is inordinate delay in lodging the report. Accordingly to the complainant, he is making payment since 2011 at which the petitioner herein and other members of the managing committee not even in the helm of the affairs of the society and he already lodged a complaint before the same police against the managing committee and the same set of allegations as the earlier complainant was not converted into the FIR and the present complaint against the substantial registered as an FIR and Section 409 IPC is not applicable to the present case as the petitioners are not the public service and the remaining offence is below seven years and the petitioner is ready to co-operate with the investigating authority as such requested the court to grant anticipatory bail.

5. On the other hand, the learned Additional Public Prosecutor opposed the same stating that allegation against the petitioners are severe in nature it required custodial interrogation as such requested the Court to dismiss the criminal petition.

6. Considering the submissions made by both the parties and material on allegation against these petitioners are that even after receiving the all installments they were not registered the flat in the name of de-facto complainant and cheated the de-facto complainant and registered the flat to other persons. Whereas the contention of the petitioner herein is that they are not in the helm of affairs on the date of taking of amount, even admitting that Section 409 is not applicable. It is not the stage of decide about the applicability of Section 409 and considering the nature of allegation custodial interrogation of the petitioner is not required as such, this Court deems it fit to grant pre-arrest bail to the petitioners herein, subject to the following conditions:

- i. The petitioners shall surrender before the Station House Officer, Raidurgam Police Station, Cyberabad Commissionerate, within two weeks from today, and on such surrender, the said Station House Officer shall release them on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.
- ii. The petitioners shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita,

2023 and co-operate with the Investigating Officer in investigating the case.

- iii. The petitioners shall appear before the concerned Investigating Officer on every Monday between 09:00 a.m, and 05:00 p.m., till the filing of the charge sheet and thereafter, as and when required.

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

Date: 09.09.2025
FM

K. SUJANA, J

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