

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.11324 OF 2025

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner/A.3 in the event of his arrest in connection with FIR No.409 of 2025 of Sanga Reddy Rural Police Station, Sanga Reddy District. The offences alleged against the petitioner are under Sections 61(2), 308(5), 336(2), 338, 336(3), 319(2), 340(2), 329(3), 324(4), 324(5), 351(2) r/w.3(5) of Bharatiya Nyaya Sanhita, 2023.

2. The case of the prosecution is that the defacto complainant lodged a report before police stating that the petitioner herein along with other accused fabricated a false agreement of sale and basing on the same, they filed suit for specific performance and when he received notice in the suit, he filed counter contending that it is a fabricated document. Basing on the counter filed the trial Court dismissed the petition observing that not only the agreement of sale was forged but also fabricated receipt dated 31.08.2024. As such, requested the police to take necessary action against the accused. Basing on the said complaint, police registered the case against the accused for the above offences.

3. Heard Dr J. Vijaya Laxmi, learned counsel for the petitioner and Sri D.Arun Kumar, learned Additional Public Prosecutor appearing for the respondent-state.

4. The contention of learned counsel for the petitioner is that petitioner purchased property under agreement of sale and he had already paid Rs.1,50,00,000/- towards part of sale consideration. Thereafter, the complainant demanded additional Rs.5 Crores for registration of the said property. As such, petitioner filed suit for specific performance of contract, wherein initially, petitioner herein obtained status quo order, and later the defacto complainant filed counter denying execution stating that it is a fabricated document, basing on which the trial Court dismissed the petition and against the same, CMA is filed which is pending. She further contended that till date the matter is pending before the civil Court and on the same set of allegation, no criminal case can be registered and whatever allegations are made in the complaint are already found in the counter and the said agreement of sale is already marked by the trial Court in the interim application. Therefore, there is no need of custodial interrogation of this petitioner and prayed to grant anticipatory bail to the petitioner.

5. On the other hand, learned Additional Public Prosecutor opposed bail stating that there are serious allegations against this

petitioner that basing on the forged document, petitioner filed suit for specific performance of agreement and not only agreement of sale but receipt is also forged, which requires investigation and prayed to dismiss this petition.

6. Considering the submissions made by the respective counsel and the material placed on record, on the same set of facts, the complainant filed counter in the civil case and the said documents are under the custody of civil Court. As such, custodial interrogation of this petitioner is not necessary. Hence, considering the facts and circumstances of the case, the petitioner is granted pre-arrest bail, subject to the following conditions :

- i. The petitioner/A.3 shall surrender before the Station House Officer, Sanga Reddy Rural Police Station, Sanga Reddy District, within two weeks from today, and on such surrender, the said Station House Officer shall release the petitioner on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.
- ii. The petitioner/A.3 shall appear before the concerned SHO at 11:00 a.m., on every Wednesday for a period of eight (8) weeks, for the purpose of investigation and thereafter, as and when required.
- iii. The petitioner/A.3 shall abide by the other conditions stipulated in Section 482(2) of BNSS and co-operate with the Investigating Officer in investigating the case.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

Date: 08.09.2025

Rds

K. SUJANA, J

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.11324 of 2025

Date: 08.09.2025

Rds