

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.12098 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner, who are arrayed as accused No.4 in Crime No.785 of 2025 before the Rajendranagar Police Station, Cyberabad Commissionerate, registered for the offences punishable under Sections 318(4), 324(4), 329(4), 338, 336(3), 340(2), 61(2) of the Bharatiya Nyaya Sanhita (BNS).

2. The brief facts of the case are that on 21.07.2025, the *de-facto* complainant lodged a report with the police stating that she is the absolute possessor and owner of Plot No.61, as per Document No.7618/2018, having purchased the land located in Ashok Vihar Colony through a registered sale deed in 2018. She had requested her friend to oversee the property, during which it was discovered that an illegal transaction had taken place. The property had been sold by Accused No.1, who was acting under an unregistered General Power of Attorney and is a third-party vendee. The sale was registered at the Rajendra Nagar Sub-Registrar Office. The complainant asserted that she never sold

the property and remains its lawful owner, as such she requested the police to take necessary action. Based on the said complaint, a case was registered under Crime No.785 of 2025 for the aforementioned offences.

3. Heard Sri L. K. Sharma, learned counsel for the petitioner, and Sri Arun Kumar Doddla, learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioner submitted that the allegations leveled against the petitioner are vague and baseless and the petitioner is innocent of the offences alleged in the complaint and that, even as per the remand case diary, the only allegation against the petitioner is that he is the husband of accused No.2 and that the alleged document was signed by accused No.2 at the instigation of the petitioner. Except for this, there are no specific overt acts attributed to the petitioner. Therefore, it is argued that Section 338 of BNS is not applicable and prayed this Court to grant pre-arrest bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor vehemently opposed the submissions made by learned counsel for petitioner stating that the allegations against the petitioner are

serious in nature. Although the petitioner did not sign the alleged document, he allegedly instigated his wife to impersonate the original memo. At this stage, granting pre-arrest bail to the petitioner is not warranted and may hinder the ongoing investigation. Therefore, he prayed the Court to dismiss the Criminal Petition.

6. After considering the submissions made by both the learned counsel and reviewing the material available the record, it appears that the petitioner is the husband of accused No.2, who is alleged to have impersonated the signature of the original owner. There are no specific overt acts attributed to the petitioner except the allegation of instigation. Considering the facts and circumstances of the case, this Court finds it appropriate to grant pre-arrest bail to the petitioner, subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer, Rajendranagar Police Station, Cyberabad Commissionerate, within two weeks from today, and on such surrender, the said Station House Officer shall release him on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.

- ii. The petitioner 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 petitioner 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.

K. SUJANA, J

Date: 25.09.2025
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