

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.13492 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.98 of 2025 before the Mamada Police Station, Nirmal District registered for the offences punishable under Sections 318(4), 319(2), 61(2), 340(2) and 338 read with 3(5) of the Bharatiya Nyaya Sanhita (BNS).

2. The brief facts of the case are that on 03.06.2025, the *de-facto* complainant lodged a report with the police stating that she is the absolute owner of land measuring Ac.5-00 guntas in Sy.No.13/3, situated in the suburb of Thandra village. When she and her son visited the MRO office to check the land details online, they discovered that the land had been mutated in the name of Accused No.1. Upon inquiry, she came to know that accused No.1 had allegedly filed a forged death certificate in her name and, with the assistance of the MRO, had the land mutated in his favor. When she questioned

the MRO about this, he did not respond. Consequently, she requested the police to take appropriate action. Based on her complaint, a case was registered under Crime No.98 of 2025 for the aforementioned offences.

3. Heard Sri Nayakawadi Ramesh, 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 petitioner is innocent and working as a Senior Assistant in the Revenue Department at the MRO Office, Mamada and that the petitioner had not exercised any authority, nor had he participated directly or indirectly in the transaction involving the succession entry in favor of Accused No.1 through the Dharani Portal. He further submitted that the petitioner had no supervisory or clerical role in initiating, processing, or approving the said entry and that it was the duty of the Tahsildar to examine the documents and take a decision, while the petitioner merely submitted the documents to the Tahsildar. He also pointed out that the police had already served a notice under Section 35(3) of the BNSS to the

petitioner, yet they were still attempting to apprehend him. Therefore, he prayed the Court to grant pre-arrest bail by allowing the criminal petition.

5. On the other hand, learned Additional Public Prosecutor vehemently opposed the submissions made by learned counsel for petitioner stating that the petitioner knowingly played a key role in mutating the name of Accused No.1 using forged documents. He stated that the notice under Section 35(3) of the BNSS was mistakenly issued to the petitioner. 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. Upon considering the submissions made by both the learned counsel and examining the material available on record, it is alleged that the petitioner colluded with other accused persons in creating a forged document, namely a death certificate, and thereafter facilitated the mutation of the land in favor of Accused No.1 on the Dharani portal without proper verification. However, the Investigating Authority has already issued a notice under Section 35(3) of the BNSS to the

petitioner. At this stage, there is no conclusive evidence of a forged document that would attract the alleged offences, and custodial interrogation of the petitioner does not appear to be necessary. In view of the facts and circumstances of the case, this Court finds it just and appropriate to grant pre-arrest bail to the petitioner, subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer, Mamada Police Station, Nirmal District, 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: 29.10.2025
SS

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