

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.14838 OF 2025

ORDER :

This criminal petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 by the petitioner/A.1 seeking anticipatory bail in connection with FIR No.664 of 2025 of Madhapur Police Station, Cyberabad. The offences alleged against the petitioner are under Sections 316(2), 318(4) r/w.3(5) of Bharatiya Nyaya Sanhita, 2023.

2. The case of the prosecution is that the defacto complainant lodged a report on 19.04.2025 stating that there is an agreement between the complainant and petitioner who is the proprietor of Laxmi Nivasam Developers and he assured monthly rental of Rs.12,000/- per month from the day of full payment of sale consideration from the day of handing over flat or studio room. For every three years 15% of rent will be increased and that six blocks are going to be constructed. Believing the same to be true, the complainant invested amount, but the petitioner has not completed the construction as promised and thereafter the complainant came to know that the alleged property does not belong to the petitioner. As such, requested the police for taking necessary action against the

accused and basing on the said complaint police registered the case against the accused for the above offences.

3. Heard Sri Lakshmikanth Reddy Desai, learned counsel for the petitioner and Sri D.Arun Kumar, learned Additional Public Prosecutor appearing for respondent-State.

4. The contention of learned counsel for the petitioner is that whatever allegations are made against the petitioner by the complainant are purely civil in nature. Non-registration of the sale deed or discontinuation of rent is a matter of contractual obligation and complainant has to approach appropriate civil Court instead of filing criminal case. Further the offences alleged are punishable with less than seven years. As such, requested this Court to grant bail to the petitioner.

5. On the other hand, learned Additional Public Prosecutor opposed bail on the ground that the allegations against the petitioner are severe in nature and at the request of concerned investigating officer, LOC was also issued against the petitioner and if anticipatory bail is granted to the petitioner, he will not cooperate with the investigation and he will not come to India. As such requested this Court not to grant bail to the petitioner and prayed to dismiss this petition.

6. Considering the submissions made and the material on record, the petitioner went to abroad on 23.01.2025 and FIR was registered on 19.04.2025. By the date of registration of FIR, the petitioner is not in India. Further, the offences alleged against the petitioner are punishable with below seven years. Considering the allegations and the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :

- i. The petitioner/A.1 shall surrender before the Station House Officer, Madhapur Police Station, Cyberabad within two weeks from today, and on such surrender, the said Station House Officer shall release the petitioner/A.1 on bail on his executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, for the like sum each.
- ii. The petitioner/A.1 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.1 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 petitions, if any, pending shall stand closed.

Date : 21.11.2025
Rds

K. SUJANA, J

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