

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.15092 of 2025

ORAL ORDER:

The Criminal Petition is filed praying this Court to grant pre arrest bail to the petitioner who is arrayed as accused No.3 in Crime No.991 of 2024 before the RGI Airport Police Station, Cyberabad Commissionerate, registered for the offences punishable under Sections 318(4), 316(2), 338, 336(3), 340(2), 319(2) of BNS.

2. The brief facts of the case are that, on 07.12.2024, the *de facto* complainant lodged a report before the police stating that he is the sole and absolute owner of Plot No.1014, Sector-II in Sy.No.4/1, 5/1, 6, 7, 8, 9, and 13, admeasuring 240 square yards in Shamshabad Mandal, by virtue of registered document No.2153 of 2001 dated 21.05.2001. A grave incident of fraud concerning his property had occurred, wherein the property was illegally registered in favour of a third party without his knowledge, consent, or approval. He later came to know that someone had impersonated him and falsely identified him as “Grandhi Vittal @ J. Vittal.” This individual fraudulently signed and executed documents on his behalf, leading to the unauthorized registration of his property in favour of other persons. Accordingly, he

requested the police to take necessary action. Based on the said complaint, the police registered a case for the alleged offences.

3. Heard V.T. Kalyan, learned counsel for petitioner, and Sri D. Arun Kumar, learned Additional Public Prosecutor appearing for respondent – State.

4. Learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged. The sole allegation against the petitioner is that he created a document, without deriving any profit therefrom. He is not a beneficiary of the said document. Similar allegations are made against accused No.5, who was served with a notice under Section 35(3) of the BNSS by the police, whereas the other accused have already been arrested. He further submitted that the alleged document was cancelled by accused No.1 on 09.12.2024 itself, which fact was not mentioned in the remand report. The allegations against the petitioner clearly indicate that Section 336 of the BNS is not applicable to him. Therefore, he prayed that this Court to grant anticipatory bail to the petitioner by allowing this criminal petition, or in the alternative, direct the respondent-authorities to serve a notice under Section 35(3) of the BNSS to the petitioner.

5. On the other hand, the learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner, contending that the petitioner is also a beneficiary of the said document and that he conspired with accused Nos.1 to 4 in creating the forged document. He further submitted that custodial interrogation of the petitioner is required, as the investigation in the case is still pending. Therefore, he prayed that this Court dismiss the criminal petition.

6. Having regard to rival submissions made and on going through the material placed on record, it is noted that the allegation against the petitioner is that he created a document. However, there is no reference in the remand case diary to establish conspiracy between the parties. Furthermore, the other accused, who are beneficiaries of the said transaction, have already been arrested, and the document in question was cancelled by accused No.1 even before filing of the case. In view of these circumstances, this Court is of the opinion that custodial interrogation of the petitioner is not warranted and deems it appropriate to grant pre-arrest bail to the petitioner, subject to compliance with the following conditions:

- i. The petitioner shall surrender before the Station House Officer, RGI Airport Police Station, Cyberabad Commissionerate, within two weeks from today, and on such surrender, the said Station House Officer shall release petitioner 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 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 Wednesday 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: 21.11.2025
SS

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