

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.16033 of 2024

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 is arrayed as accused No.2 in Crime No.411 of 2024 of Humayun Nagar Police Station, Hyderabad.

2. The brief facts of the case are that a complaint was filed by Devi Kumari Rathi, against her son, Shyam Sunder Rathi, and his wife, Malvika Rathi, alleging forgery, cheating, and criminal breach of trust. She claims that her son took over the family business, Bhavani Electrodes, after the death of her husband in the year 2015 and illegally transferred shares and trademarks to himself and the company. She also alleges that her son forged her signature on a deed of assignment and deprived her and other family members of their rights and profits.

3. Heard Sri Rohan Aloor, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Mamoon,

learned Additional Public Prosecutor appearing on behalf of respondent No.1-State and Sri Mohd. Muzafferulla Khan, learned counsel appearing on behalf of respondent No.2.

4. Learned counsel for the petitioner submitted that the case against the petitioner is false and motivated by a family dispute over property and that she claims that the complainant, her mother, has abused the criminal justice process to extort money and transfer shares in the family business. He further submitted that there is no evidence against the petitioner, and the allegations in the FIR are only against accused No.1. Therefore, he prayed the Court to grant pre-arrest bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned counsel appearing on behalf of respondent No.2 filed counter affidavit stating that a prima facie case exists against the petitioner and accused No.1 for forgery and other offences and that the petitioner allegedly benefited from the illegal transfer of trademarks from the respondent's firm to her private company. A forensic report confirms that the signature of the respondent on the deed of

assignment was forged. Therefore, he prayed the Court to dismiss the criminal petition.

6. Learned Additional Public Prosecutor submitted that the allegations leveled against the petitioner are serious in nature. Therefore, at this stage, granting of bail to the petitioner does not arise. Hence, he prayed the Court to dismiss the criminal petition.

7. In the light of the submissions made by both the learned counsel and a perusal of the material available on record, it appears that the petitioner is the wife of Accused No.1, signed the deed of assignment in question. Accused No.1 was arrested and released on bail. Although the deed was sent to Truth Labs for forensic analysis, only a copy was submitted, and original documents are typically required for verification. In the light of these circumstances, the Court finds custodial interrogation unnecessary and deems it fit to grant pre-arrest bail to the petitioner subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer, Humayun Nagar Police Station, Hyderabad, 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: 09.01.2025
SAI

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SAI