

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.16772 of 2025

DATE: 19.12.2025

BETWEEN:

Sitaram Sankhala and others

.....petitioners/accused

And

The State of Telangana,

Rep. by its Public Prosecutor,

High Court for the State of Telangana

at Hyderabad and another

.....Respondents/complainant

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 petitioners, who are arrayed as accused in Crime No.314 of 2025 before the Goshamahahal

Police Station, Hyderabad, registered for the offences punishable under Sections 406, 420, 467, 468, 471 and 120b read with 34 of IPC and Section 63 of Copy Right Act, 1957.

2. The brief facts of the case are that the de-facto complainant lodged a complaint on 26.11.2025 alleging that she was illiterate and incapable of signing any document, and that she had only operated a small eatery under the name “Santosh Vihar” along with her late husband during the 1960s–1970s, which was closed in 1997 after his demise. She alleged that the accused persons had conspired to create a forged and fabricated Assignment Deed dated 24.07.2018 by forging her signature, without her knowledge or consent, and had misused the said document before the Registrar of Trade Marks and various courts to unlawfully claim rights over the trade name “Santosh Vihar.” She further stated that she came to know of the alleged forgery only when court papers in O.S. No. 489 of 2025 were shown to her, following which the police registered Crime No. 314 of 2025 for the alleged offences and commenced investigation.

3. Heard Sri B. Chandrasen Reddy, learned Senior Counsel representing Sri B. Vamshidhar Reddy, learned counsel appearing on behalf of the ptitioenrs as well as Sri D. Arun Kumar, learned Additional Public Prosecutor appearing on behalf of the respondent – State and Dr. Venkat Reddy Donthi Reddy, learned Senior Counsel appearing on behalf of respondent No.2/de facto complainant.

4. Learned counsel for the petitioners submitted that the criminal complaint and the consequential FIR were lodged after an unexplained delay of more than seven years with mala fide intent, at the instigation of third parties who bore personal grudge against the petitioners. He further submitted that the allegations did not disclose the ingredients of offences under Sections 406, 420, 468, 471 IPC or Section 63 of the Copyright Act, as there was no entrustment, deception, forgery, or copyright infringement. He contended that documentary evidence, including the Assignment Deed and the PAN card of the defacto complainant, clearly showed her ability to sign in Hindi and her awareness of the transaction, and that the dispute, if any, was purely civil in nature.

Therefore, he prayed the Court to grant pre-arrest bail to the petitioners by allowing this Criminal Petition.

5. Learned counsel for respondent No.2 and learned Additional Public Prosecutor submitted that the complaint disclosed serious and cognizable offences of forgery, cheating, and criminal conspiracy, as the accused had allegedly created and used a forged Assignment Deed by falsely showing the signature of an 85-year-old illiterate woman who was incapable of signing any document. They further submitted that the forged document was repeatedly misused before the Registrar of Trade Marks and civil courts to unlawfully claim rights over the trade name "Santosh Vihar," thereby affecting public authorities and the justice system. They contended that the delay in lodging the complaint was duly explained, as the defacto complainant came to know of the forgery only during the pendency of O.S.No.489 of 2025, and that custodial investigation was necessary. Therefore, they prayed the Court to dismiss the criminal petition.

6. In the light of the submissions made by the learned counsel on either side and upon a perusal of the material

available on record, it appears that the allegation against the petitioners is that the Assignment Deed dated 24.07.2018 is a forged document and that, on the basis of the said document, the petitioners obtained injunction orders from the civil court. On the other hand, the contention of the petitioners is that, having failed in the civil litigation, the relatives of respondent No.2 have initiated a false criminal case. It is also the case of the petitioners that the said Assignment Deed has already been produced before the competent civil court in O.S. No.489 of 2024 and that the validity and genuineness of the document can be adjudicated by the civil court, if necessary, by sending the same to the Forensic Science Laboratory. However, it is noted that the allegations are predominantly based on documentary evidence and that the Assignment Deed in question pertains to the year 2018. It is further evident that the son of respondent No.2 is shown as a witness to the said document and there is no specific allegation that his signature has also been forged. The investigation, as projected, revolves around the examination of documents which are already on record, including those filed before the civil court, though in the form of copies. In such circumstances, custodial interrogation of the petitioners does

not appear to be necessary. Considering the facts and circumstances of the case, this Court deems it appropriate to grant pre-arrest bail to the petitioners, subject to the following conditions:

- i. The petitioners shall surrender before the Station House Officer, Goshamahal Police Station, Hyderabad, within two weeks from today, and on such surrender, the said Station House Officer shall release them on bail on executing a personal bond for Rs.25,000/-, each, with two sureties, for the like sum each.
- ii. The petitioners 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 petitioners 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: 19.12.2025
SAI

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