

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.3438 of 2026

DATE: 24.03.2026

BETWEEN:

Moiz Ali

.....petitioner/accused No.3

And

The State of Telangana,
Rep. by its Public Prosecutor,
High Court for the State of Telangana
at Hyderabad.

.....Respondent/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 petitioner, who is arrayed as accused No.3 in Crime No.214 of 2026 before the Medipally

Police Station, Malkajgiri Commissionerate, registered for the offences punishable under Sections 318(4),319(2), 338, 336(3), 340(2) read with 3(5) of BNS.

2. The brief facts of the case are that the de facto complainant lodged a report before the Police alleging that the his mother, who is the true owner of the subject property, had purchased land in 2001, and that the accused persons created a forged General Power of Attorney and a fake death certificate showing her as deceased, despite her being alive. Using these fabricated documents, the accused allegedly executed a fraudulent sale deed in favour of a third party, thereby cheating the complainant and his mother. The present petitioner is arrayed as an accused on the ground that he acted as an attesting witness to the GPA document.

3. Heard Sri Baglekar Akash Kumar, learned counsel appearing on behalf of the petitioner as well as Sri M. Ramachander Reddy, learned Additional Public Prosecutor appearing on behalf of the respondent – State.

4. Learned counsel for the petitioner submitted that the role of the petitioner is limited to that of an attesting witness to the GPA and that he has no involvement in the alleged forgery or conspiracy and that an attesting witness is not presumed to have knowledge of the contents or legality of the document and there is no material to establish any *mens rea* or meeting of minds with the other accused. He further submitted that the petitioner neither created any forged documents nor derived any benefit from the transaction and has been falsely implicated. He contended that the evidence is purely documentary in nature and already in custody of the authorities, making custodial interrogation unnecessary. Therefore, he prayed the Court to grant pre-arrest bail to the petitioner by allowing this Criminal Petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the allegations leveled against the petitioner are serious in nature and that the allegations involve serious offences of forgery, cheating, and fabrication of false documents relating to immovable property. He further submitted that the petitioner, though shown as an attesting

witness, cannot be absolved at this stage as his role and knowledge in execution of the forged GPA require thorough investigation. The prosecution further submits that the act forms part of a larger conspiracy and custodial interrogation may be necessary to unearth the full extent of involvement of all accused persons. Therefore, at this stage, granting of pre-arrest bail to the petitioner does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. In the light of the submissions made by both the learned counsel and upon perusal of the material available on record, it *prima facie* appears that the petitioner, who is arrayed as accused No.3, is alleged to have acted as an attesting witness to the General Power of Attorney, which is stated to be a forged document. The main allegation against the petitioner is that he attested the said document, which was allegedly used by the other accused to execute a fraudulent sale deed by creating a false death certificate of the true owner. However, at this stage, there is no specific material to show that the petitioner had knowledge of the alleged forgery or that he was a party to the conspiracy. As seen from the record, the material part of the investigation

appears to have been completed and the evidence is largely documentary in nature. Having regard to the limited role attributed to the petitioner, and in the absence of any material indicating his active involvement in the alleged offences, this Court 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, Medipally Police Station, Malkajgiri Commissionerate, 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/-, each 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., for a period of eight (8)

weeks or till the filing of the charge sheet, whichever is earlier 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: 24.03.2026
SAI

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