

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No. 8789 OF 2026

DATE: 01.07.2026

Between :

K. Laxman and another.

... Petitioners/Accused Nos. 1 and 2

AND

The State of Telangana, through P.S. Gachibowli, rep.,
by its Public Prosecutor, High Court for the State of
Telangana, Hyderabad.

... Respondent.

ORDER

This Criminal Petition is filed under Section 482 of the
Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, "BNSS"),
seeking the relief of pre-arrest bail.

2. The petitioners are arrayed as Accused Nos. 1 and 2 in Crime
No.666 of 2026 of Gachibowli Police Station, registered for the
offences punishable under Sections 420 and 409 of the Indian Penal
Code (for short 'the IPC').

3. Heard Mr. E. Uma Maheshwar Rao, learned counsel for the petitioners and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor, representing the respondent-State.

4.1. The prosecution case is founded upon a complaint lodged by the Secretary of the Hyderabad District Government Employees Cooperative Housing Society Limited, alleging that during the period from 19.03.2014 to 18.03.2019, the petitioners, while functioning as the office bearers of the Society, allotted certain plots to persons who were not members of the Society, in contravention of the provisions of the Society's bye-laws and the conditions governing the Government's allotment of land to the Society. It is alleged that the petitioners, acting in collusion with each other and with dishonest intention, made such allotments, thereby conferring wrongful gain upon the ineligible allottees and causing corresponding wrongful loss to the Society.

4.2. The complainant further states that, upon noticing the alleged irregularities, the Joint Registrar/District Cooperative Officer conducted an enquiry and recommended initiation of criminal proceedings against the petitioners. Pursuant thereto, the General Body of the Society, by its resolution dated 29.03.2026, authorised

the initiation of criminal action, following which the present First Information Report came to be registered.

5.1. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated owing to internal disputes within the Society and the subsequent change in its management. It is contended that the allegations arise out of administrative decisions taken by the petitioners in the discharge of their official functions as elected office bearers of the Society and that the dispute, if any, is essentially civil in nature, devoid of the necessary ingredients constituting criminal offences such as cheating, criminal breach of trust or criminal conspiracy. He would further submit that the allotments were made bona fide after due verification of the records available with the Society and in accordance with the material then existing. It is argued that the alleged transactions pertain to the period between 19.03.2014 and 18.03.2019, whereas the complaint came to be lodged only in the year 2026, after an unexplained and inordinate delay of nearly seven years, thereby casting considerable doubt on the genuineness of the allegations. It is further contended that the prosecution case rests entirely upon documentary evidence already available in the custody of the Society and the investigating agency,

and therefore no purpose would be served by subjecting the petitioners to custodial interrogation.

5.2. Learned counsel also submits that the petitioners are permanent residents, possess deep roots in society, have no criminal antecedents and undertake to extend full cooperation to the investigating agency. It is further submitted that the alleged irregularity pertains only to the allotment of two plots. According to the petitioners, the allottees were Government employees who had paid the requisite membership fee as early as the year 1984 and were, in substance, members of the Society. Therefore, the allegation that the plots were allotted to complete strangers or non-members is factually incorrect. Learned counsel, however, fairly submits that the correctness of this assertion is a matter for investigation and may be established during the course thereof. On the aforesaid grounds, the petitioners seek grant of anticipatory bail.

6.1. Per contra, the learned Additional Public Prosecutor opposed the petition and submitted that the petitioners, while functioning as the President and Secretary of the Hyderabad District Government Employees Cooperative Housing Society Limited, abused their official position by illegally allotting Government land to persons who

were not eligible members of the Society during the period between 2014 and 2019. It is contended that such allotments were made in clear violation of the provisions of the Telangana Cooperative Societies Act, 1964 and the bye-laws governing the Society, thereby conferring wrongful gain upon ineligible persons and causing corresponding wrongful loss to the Society, besides defeating the very object for which the Government had allotted the land exclusively for the benefit of Government employees who were members of the Society.

6.2. He further submits that the investigation is still at a nascent stage and substantial evidence is yet to be collected. Though the complainant has been examined, several material witnesses remain to be examined and relevant records are yet to be scrutinized. It is contended that if the petitioners are granted the protection of anticipatory bail at this stage, there exists a reasonable likelihood of their influencing witnesses or otherwise obstructing the course of investigation. On these grounds, dismissal of the petition is sought.

7. I have considered the rival submissions and carefully perused the material placed on record.

8. A perusal of the First Information Report and the complaint discloses that the petitioners, while functioning as the President and Secretary of the Hyderabad District Government Employees Cooperative Housing Society Limited during the period from 19.03.2014 to 18.03.2019, are alleged to have allotted residential plots carved out of Government land admeasuring Ac.50.00 guntas in favour of persons who were allegedly not members of the Society, in violation of the provisions of the Cooperative Societies Act, the Government conditions governing allotment of land and the bye-laws of the Society.

9. Whether the alleged allotments were made with the requisite dishonest intention so as to attract the ingredients of the alleged offences, or whether they constituted administrative decisions taken bona fide in the discharge of official functions, are matters requiring thorough investigation and eventual adjudication on the basis of evidence that may emerge during trial. At the stage of consideration of an application for anticipatory bail, this Court is not expected to undertake a meticulous examination of the merits of the prosecution case or to record findings on disputed questions of fact.

10. A careful examination of the material available on record indicates that the prosecution case is founded predominantly upon documentary evidence comprising the records of the Society, minutes of meetings, allotment proceedings and communications exchanged between the Cooperative authorities. Significantly, the prosecution has not placed before this Court any specific material demonstrating that custodial interrogation of the petitioners is indispensable for an effective investigation. A mere assertion that the investigation is at a nascent stage, without indicating the necessity for custodial interrogation or the specific prejudice likely to be caused by grant of anticipatory bail, cannot by itself constitute a valid ground for denial of such relief, particularly when the petitioners have expressed their willingness to cooperate with the investigation and to abide by any condition imposed by this Court.

11. The law governing grant of anticipatory bail is no longer res integra. The Constitution Bench of the Supreme Court in *Sushila Aggarwal v. State (NCT of Delhi)*, (2020) 5 SCC 1, wherein it was held that while considering an application for anticipatory bail, the Court must balance the fundamental right to personal liberty with the societal interest in a fair and effective investigation. The Court emphasized that relevant considerations include the nature and

gravity of the accusation, the exact role attributed to the accused, the necessity for custodial interrogation, the possibility of the accused absconding, repeating similar offences, tampering with evidence or influencing witnesses.

12. It is also relevant to notice that the alleged transactions relate to the period between 2014 and 2019, whereas the criminal proceedings have been initiated only in 2026 after considerable delay. Though the effect of such delay upon the prosecution case is a matter to be appreciated during trial, it nevertheless constitutes a relevant circumstance while examining the necessity of custodial interrogation.

13. In the instant case, there is no material to indicate that the petitioners possess criminal antecedents or that they are habitual offenders. Equally, no material has been placed before this Court to demonstrate that the petitioners are likely to abscond, tamper with the documentary evidence, destroy records or intimidate witnesses if enlarged on anticipatory bail. On the contrary, the petitioners have undertaken to cooperate with the investigation and to appear before the Investigating Officer whenever required.

14. Having regard to the totality of the circumstances, without expressing any opinion on the merits of the allegations, and solely for the purpose of deciding the present application, this Court is satisfied that the petitioners have made out a fit case for grant of anticipatory bail, subject to conditions to ensure their effective cooperation with the investigation and to safeguard the interests of the prosecution.

15. Accordingly, the Criminal Petition is allowed and the Petitioners/Accused Nos.1 and 2 shall be enlarged on anticipatory bail subject to the following conditions:

(A). Petitioner Nos.1 and 2 (Accused Nos.1 and 2) shall surrender before the Station House Officer, Gachibowli Police Station, Hyderabad, on or before 13.07.2026. Upon such surrender, or in the event of their arrest before the said date, they shall be released on bail on executing personal bonds for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties for a like sum each, to the satisfaction of the Station House Officer concerned.

(B). The petitioners shall appear before the Investigating Officer on every Tuesday between 10:00 A.M. and 3:00 P.M. for a period of eight (8) weeks from the date of their release on

bail, and shall cooperate with the investigation in all respects throughout the course of the investigation.

(C). The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer and shall extend full cooperation for the purpose of investigation.

(D). The petitioners shall furnish their complete residential addresses, mobile numbers and other contact particulars to the Investigating Officer and shall promptly intimate any subsequent change thereof.

(E). The petitioners shall not, either directly or indirectly, induce, threaten, promise or influence any person acquainted with the facts of the case, nor shall they tamper with the prosecution evidence or attempt to interfere with the course of investigation in any manner whatsoever.

(F). The petitioner shall strictly comply with all the conditions contemplated under Section 482(2) of the BNSS.

(G). Any wilful breach or violation of any of the aforesaid conditions shall render the petitioner liable to appropriate

proceedings before the court below, including cancellation of bail, in accordance with the provisions of the BNSS and other applicable law.

Pending miscellaneous applications, if any, shall stand closed.

N.TUKARAMJI, J

Date: 01.07.2026

MRKR

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No. 8789 OF 2026

DATE: 01.07.2026

MRKR