

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.8794 OF 2026

DATE : 22.06.2026

Between:

J.Saibaba and Another

...Petitioners

AND

The State of Telangana

...Respondent

ORDER:

This Criminal Petition is filed under Section 482 of the *Bharatiya Nagarik Suraksha Sanhita*, 2023 (for short, “BNSS”), seeking the relief of anticipatory bail.

2. The petitioners are arrayed as accused Nos.4and 5 in FIR No.243 of 2015 on the file of Patancheru Police Station, Sanagreddy District, registered for the offences punishable under Sections 419, 420, 468 and 120-B of Indian Penal Code.

3. Heard Mr.C.Hari Preeth, learned counsel appearing for the petitioners and Mr.Syed Yasar Mahmood, the learned Additional Public Prosecutor representing the respondent-State.

4.1. The prosecution case, in brief, is that the de facto complainant alleges that certain registered documents pertaining to his immovable property were fraudulently created and that sale deeds were executed in

favour of accused Nos.1 and 2, notwithstanding the fact that he continued to be the lawful owner of the property and had never received any sale consideration in respect thereof. The complaint further refers to two separate transactions purportedly effected through registered sale deeds concerning the very same property, of which the de facto complainant claims to have had no knowledge whatsoever.

4.2. It is further alleged that the accused persons utilized the said documents for securing mutation of the property records before the revenue authorities on the strength of fabricated and forged documents, by falsely impersonating the de facto complainant and by forging his signatures and identity particulars, with the dishonest intention of causing wrongful loss to the complainant and corresponding unlawful gain to themselves. On the basis of the said complaint, the police registered the subject crime for investigation.

5.1. Learned counsel appearing for the petitioners submits that the allegations contained in the complaint are omnibus in nature and do not disclose any specific overt acts attributable to the present petitioners. It is further contended that the First Information Report was registered as early as in the year 2015 and that the petitioners had earlier approached this Court by filing Criminal Petition No.1625 of 2016 under Section 482 of the *Code of Criminal Procedure, 1973*, seeking quashment of the proceedings.

5.2. It is submitted that during the pendency of the said proceedings, upon the petitioners application for quashing the crime proceedings, this

Court granted an interim order staying further investigation, as a consequence of which the investigation remained stalled for a considerable period. Learned counsel further points out that by order dated 07.04.2026, this Court disposed of the petition and directed the Investigating Agency to proceed with the investigation, observing, inter alia, that owing to the prolonged subsistence of the interim stay order, the investigation had not progressed sufficiently to ascertain whether any prima facie material existed against the petitioners.

5.3. Learned counsel additionally submits that despite the aforesaid directions, the Investigating Officer has not issued any notice to the petitioners under Section 41-A of the *Code of Criminal Procedure, 1973*, although the offences alleged are punishable with imprisonment extending to less than seven years. It is argued that the petitioners entertain a reasonable apprehension of arrest and coercive action. It is further submitted that they are law-abiding citizens, are willing to cooperate fully with the investigation, and have no intention either to evade the process of law or to tamper with the evidence. Having regard to the inordinate lapse of time since registration of the crime and the absence of specific allegations implicating the petitioners, learned counsel prays for grant of anticipatory bail.

6.1. Per contra, learned Additional Public Prosecutor opposed the application contending that the petitioners have been arrayed as accused on the basis of specific averments made in the complaint and that the

allegations pertain to serious offences involving impersonation, forgery and fraudulent alienation of immovable property.

6.2. At the same time, learned Additional Public Prosecutor fairly conceded that the earlier criminal petition preferred by the petitioners had been disposed of by this Court with a direction to the Investigating Agency to proceed with the investigation and that, despite the offences being punishable with imprisonment of less than seven years, no notice under Section 41-A Cr.P.C./Section 35 BNSS has yet been served upon the petitioners. Nevertheless, considering the gravity of the allegations, it is contended that the petitioners should be directed to cooperate with the investigation and that the application for anticipatory bail does not merit favourable consideration.

7. I have careful consideration to the rival submissions.

8. Admittedly, the crime was registered in the year 2015 and the investigation remained substantially stalled for several years owing to the interim order granted by this Court staying further investigation. It is also not disputed that subsequent directions were issued permitting the Investigating Agency to continue the investigation.

9. At this stage, the Court is not expected to undertake a meticulous appreciation of evidence or record findings touching upon the merits of the allegations. The principal considerations governing an application under Section 438 Cr.P.C. are the nature and gravity of the accusation, the antecedents of the accused, the possibility of fleeing from justice, the

likelihood of tampering with evidence or influencing witnesses, and the necessity, if any, for custodial interrogation.

10. In the peculiar circumstances of the matter, having regard to the considerable lapse of time since registration of the crime, the expressed willingness of the petitioners to cooperate with the investigation, the absence of material indicating any likelihood of abscondence, or tampering with evidence, and there being no compelling circumstances presently necessitating custodial interrogation, this Court is of the considered opinion that the petitioners have made out a fit case for grant of anticipatory bail, subject to conditions to ensure their continued cooperation with the smooth progress of the investigation.

11. Accordingly, the Criminal Petition is allowed. The petitioners shall be enlarged on anticipatory bail, subject to the following conditions:

(A) The petitioners/Accused Nos.4 and 5 shall surrender before the Station House Officer, Patancheru Police Station, Sangareddy District on or before 07.07.2026. Upon such surrender or in the event of arrest the Station House Officer shall release them on bail on execution of a personal bond 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 said officer.

(B) The petitioners shall appear before the Investigating officer on every Thursday between 11.00 am and 02.00 pm for a period of twelve

(12) weeks from the date of their release on bail and shall cooperate with the investigation in all respects.

(C) The petitioners shall furnish his complete residential addresses and contact details to the Investigating Officer and shall keep the same updated throughout the course of investigation.

(D) The petitioners shall not either directly or indirectly induce, threaten, influence, or contact any prosecution witness, nor shall he tamper with the prosecution evidence in any manner whatsoever.

Miscellaneous applications, if any pending, shall stand closed.

N.TUKARAMJI, J

Date : 22.06.2026

MMR

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.8775 OF 2026

DATE : 22.06.2026

MMR