IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.16762 OF 2026

(CNR No. HBHC010706732026)

DATE: 05.11.2026

Between :

Shamshabad Eshwar Reddy.

… Petitioner/Accused No.11.

AND

The State of Telangana
Represented by the Public Prosecutor, High Court for the State of Telangana at Hyderabad, Through the Station House Officer, Keesara Police Station, MalkajgiriCommissionerate.

… Respondent.

ORDER:

This petition is filed under Section 482 of *Bharatiya NagarikSurakshaSanhita*, 2023 (for short, "BNSS"), seeking the relief of anticipatory bail.

2. The petitioner is arrayed as Accused No.11 in FIR No.414 of 2025 on the file of Keesara Police Station, Malkajgiri Commissionerate registered for offences punishable under Sections 318(4), 336(3), 338,

319(2), 340(2) read with Section 35 of the *Bharatiya Nyaya Sanhita*, 2023 (for short, "BNS").

3. Heard Mr. Maheedhar Naidu Puppala, learned counsel for the petitioners, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor, appearing for the respondent-State.

4. The prosecution case, in brief, is that the complainants claim to be the joint owners and possessors of land admeasuring Ac.18.19 guntas, situated in Survey No.94 of Cheeryal Village, Keesara Mandal, having acquired the same under a registered Sale Deed bearing Document No.111 of 1982, dated 07.01.1982. The said land is stated to have subsequently been developed into 187 residential plots. It is further alleged that a General Power of Attorney executed on 19.04.1985 was subsequently revoked under a registered deed dated 29.03.2006. The complainants allege that they later came to know of the creation of a purportedly forged General Power of Attorney bearing Document No.1363/IV/1988, allegedly brought into existence in favour of Accused No.1 by impersonating the lawful owners and forging their signatures and photographs. It is the further case of the prosecution that, acting upon the strength of the said disputed General Power of Attorney, six sale deeds bearing Document Nos.6385 of 2015 to 6390 of 2015, all dated 16.10.2015, were executed in favour of Accused No.4 in respect of different plots forming part of the subject property.

The said plots were thereafter allegedly transferred to third parties. On the basis of the complaint lodged in connection with the aforesaid allegations, the present crime came to be registered.

5.1. Learned counsel for the petitioner submits that the petitioner was not named in the First Information Report and that he was subsequently arrayed as Accused No.11 in the remand report dated 07.10.2026. It is contended that the petitioner is a professional document writer who, in the ordinary course of his profession, prepares documents on the basis of the particulars, instructions and information furnished by the parties concerned. Learned counsel submits that the petitioner was neither an executant nor a beneficiary of the disputed transactions and that no specific overt act or material indicating dishonest intention, receipt of any financial benefit or conscious participation in the alleged conspiracy has been attributed to him. It is further contended that the mere preparation or scribing of documents, without any material to indicate that the petitioner had knowledge of the alleged forgery or had knowingly participated in the alleged criminal conspiracy, would not, by itself, constitute a criminal offence.

5.2. In support of the said submissions, learned counsel places reliance on the judgment of the Hon'ble Supreme Court in *Central Bureau of Investigation, Hyderabad v. K. Narayana Rao*, (2012) 9 SCC 512, and contends that a professional engaged in rendering services in

connection with the preparation of documents cannot be subjected to criminal prosecution in the absence of material establishing his culpable involvement in the alleged offences. Learned counsel further submits that the petitioner is a permanent resident of Hyderabad, is willing to cooperate with the investigation and undertakes to abide by any conditions that may be imposed by this Court. On the aforesaid grounds, learned counsel seeks grant of anticipatory bail to the petitioner.

6.1. Per contra, learned Additional Public Prosecutor opposes the grant of anticipatory bail, contending that the allegations in the present case concern the alleged creation of a forged General Power of Attorney and the subsequent execution of multiple sale deeds in respect of valuable immovable property. It is submitted that, during the course of investigation, the police have recorded the statements of the complainants, conducted a scene inspection, prepared a panchanama and collected relevant documentary material, including the original purchase deed, the disputed General Power of Attorney, the deed of revocation and the subsequent sale deeds.

6.2. The learned Additional Public Prosecutor further submits that, on 07.10.2026, Accused Nos.4 and 7 to 10 were apprehended and their mobile phones were seized for the purpose of forensic examination. It is alleged that certain accused persons acted as

witnesses, identifiers or facilitators in connection with the disputed transactions and that the alleged receipt of monetary benefits by them is yet to be verified. It is further contended that the investigation is still at a crucial stage and that the precise role of the petitioner and the other accused, the identification of the persons who allegedly impersonated the lawful owners, and the tracing and verification of the financial transactions connected with the disputed property are yet to be fully ascertained. In these circumstances, the learned Additional Public Prosecutor submits that custodial interrogation of the petitioner may be necessary to ascertain his precise role and the extent of his alleged involvement in the commission of the offences, apart from facilitating further investigation. On the aforesaid grounds, the learned Additional Public Prosecutor seeks dismissal of the petition for anticipatory bail.

7. I have carefully considered the rival submissions of the learned counsel and perused the materials available on record.

8. The power to grant anticipatory bail under Section 482 of the BNSS is discretionary and must be exercised judiciously, having regard to the facts and circumstances of each case, including the nature and gravity of the accusation, the specific role attributed to the applicant, his antecedents, the likelihood of absconding or influencing witnesses, and the necessity of custodial interrogation.

9. In *Gurbaksh Singh Sibbia v. State of Punjab*, (1980) 2 SCC 565, the Constitution Bench of the Hon'ble Supreme Court held that no inflexible principles can govern the exercise of such discretion and that each case must be decided on its own facts. In *Sushila Aggarwal v. State (NCT of Delhi)*, (2020) 5 SCC 1, the Constitution Bench further recognised that anticipatory bail may be granted subject to appropriate conditions to safeguard the investigation while protecting individual liberty.

10. In the present case, the allegations concerning the creation of a forged General Power of Attorney by impersonating the lawful owners and the subsequent execution of multiple sale deeds in respect of valuable immovable property are undoubtedly serious and warrant thorough investigation. However, the gravity of the allegations, by itself, cannot be the sole determinant; the petitioner's individual role and the material connecting him with the alleged offences must also be examined. Though the petitioner was not named in the original FIR and was subsequently arrayed as Accused No.11 in the remand report dated 07.10.2026, such omission is not conclusive, but the circumstances of his subsequent implication merit consideration.

11. The petitioner's specific defence is that he is a professional document writer who prepared the documents in the ordinary course of his profession, on the basis of the particulars and instructions furnished

by the parties, and that he was neither an executant nor a beneficiary of the disputed transactions. It is further contended that no specific overt act or material indicating his conscious participation in the alleged conspiracy has been attributed to him. Though his professional status does not confer immunity from prosecution, mere preparation or scribing of documents, in the absence of material indicating knowing participation in the alleged offences, would not, by itself, establish criminal complicity.

12. In this context, the decision of the Hon'ble Supreme Court in *Central Bureau of Investigation, Hyderabad v. K. Narayana Rao*, (2012) 9 SCC 512, assumes relevance. The Hon'ble Supreme Court held that mere professional involvement, without tangible material demonstrating active and knowing participation in the alleged conspiracy, would not, by itself, establish criminal liability. Though the said decision arose in the context of quashing criminal proceedings against an advocate, the principle enunciated therein is relevant in assessing the petitioner's alleged role, without absolving him of liability if his conscious participation is ultimately established.

13. The prosecution submits that the investigation is still in progress and that the identification of the alleged impersonators, tracing of financial transactions and ascertainment of the respective roles of the accused remain incomplete. While these aspects warrant further

investigation, the mere pendency of investigation or the possibility of collecting further evidence does not, by itself, necessitate custodial interrogation. Such necessity must be demonstrated with reference to the petitioner's specific role and the investigative purpose sought to be achieved through his arrest.

14. In the present case, having regard to the nature of the petitioner's alleged role as a document writer, the absence of any specific allegation that he was an executant or beneficiary of the disputed transactions, and the material presently placed on record, the prosecution has not demonstrated any specific necessity for his custodial interrogation. His availability for investigation can be secured by directing him to cooperate with the investigating agency. In these circumstances, this Court is of the considered view that the interests of a fair and effective investigation can be adequately protected by imposing appropriate conditions, without subjecting the petitioner to custodial detention at this stage.

16. In view of the foregoing discussion, and without expressing any opinion on the merits of the allegations or the ultimate culpability of the petitioner, this Court is inclined to grant anticipatory bail, subject to the following conditions:

a) Petitioner No1/Accused No.11 shall surrender before the Station House Officer, Keesara Police Station Malkajgiri Commissionerate, on or before 20.11.2026. Upon such surrender, or in the event of his arrest, the Station House Officer shall release him on bail upon on his executing 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 petitioner shall appear before the Station House Officer every Tuesday and Thursday between 10:00 a.m. and 3:00 p.m. for a period of twelve (12) weeks from the date of his release on bail and shall cooperate with the investigation in all respects.

c) The petitioner shall furnish their complete residential addresses and contact details to the Investigating Officer and shall keep the same updated throughout the proceedings before the trial court.

d) Additionally, the petitioner shall remain available as and when required by the investigating officer during the course of investigation.

e) The petitioner shall neither directly nor indirectly induce, threaten, influence, nor contact any prosecution witness, nor shall they tamper with the prosecution evidence in any manner whatsoever.

f) In the event of breach of any of the aforesaid conditions by the petitioner, the prosecution shall be at liberty to take appropriate steps seeking cancellation of bail.

17. It is made clear that any observations made herein are confined solely to the adjudication of the present application for anticipatory bail and shall not be construed as an expression on the merits of the case.

Pending miscellaneous applications, if any, shall stand closed.

Date: 05.11.2026

N.TUKARAMJI, J

MRKR

THE HON'BLE SRI JUSTICE N. TUKARAMJI

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