

(2025) 02 AP CK 0790

In the Andhra Pradesh High Court, Amaravati

Case No : Criminal Petition No: 731 Of 2025

Syed Mastan Sharief @Shariff

APPELLANT

Vs

State Of Andhra Pradesh

RESPONDENT

Date of Decision : 06-02-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 482
Indian Penal Code, 1860 — Section 34, 420, 467, 468

Citation : (2025) 02 AP CK 0790

Hon'ble Judges : K Sreenivasa Reddy, J

Bench : Single Bench

Advocate : Aishwarya Nagula

Final Decision : Allowed

Judgement

K Sreenivasa Reddy, J

1. This Criminal Petition, under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') has been filed on behalf of the petitioner/ accused No.18 to grant anticipatory bail in connection with Crime No.182 of 2024 of Prathipadu Police Station, Guntur District.

2. A case has been registered against the petitioner/ accused No.18 and others for the offences punishable under Sections 467, 468 and 420 read with 34 of the Indian Penal Code, 1860 (for brevity 'IPC').

3. Case of the prosecution, in brief, is that, the defacto complainant owns an extent of Ac.03.00 cents agricultural land in Survey Nos.836, 837 and 884/1 within the limits of Mukkellapadu village, Nuzendla Mandal, Palnadu District; that on 01.07.2005 he was alleged to have taken agricultural loan of Rs.2,00,000/- in Canara Bank (erstwhile Syndicate Bank) at Kurichedu Mandal of Prakasam District on the above said land and it is being continued; that on 16.01.2020, the accused Nos.1 and 2, who are the Secretary, and the President, respectively, of PACS No.392, with an intention to cheat the defacto complainant, are alleged to

have created fake Aadhar card, passbook, photographs and bonds and submitted the same in PACS No.392 located in Chinakondrupadu village, Prathipadu Mandal, and obtained loan of Rs.6,00,000/-against the above said lands. The case was reported to police and a case in Crime No.182 of 2024 of Prathipadu Police Station was registered for the aforesaid offences and investigated into.

4. Learned counsel for the petitioner/accused No.18 would contend that except the confessional statement of co-accused, there is no other material available on record to connect the petitioner/accused No.18 to the crime.

5. Learned Assistant Public Prosecutor for State would contend that huge amount of Rs.36.00 lakhs has been misappropriated by creating fake documents which caused loss to the Government exchequer; that the investigation is under progress. Hence, prays to dismiss the Criminal Petition.

6. Heard. Perused the record.

7. A perusal of material available on record goes to show that except the confessional statements of the accused, prima facie there is no other material on record to connect the petitioner/ accused No.18 to the crime. As per the confessional statement of the accused, the petitioner herein/accused No.18 was alleged to have uploaded the fake data of non-existing lands in favour of fake farmers to the webland which benefited the fake farmers. A perusal of material available on record further goes to show that the police categorically observed to the extent that as sufficient evidence against some of the accused, is not yet available and soon after collecting evidence, they would be arrested. As on the date, the Investigating Officer did not collect any material except the confessional statement of other accused, which prima facie does not connect the accusation as against the petitioner/accused No.18. In view of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner/accused No.18.

8. Accordingly, in the event of arrest of petitioner/ accused No.18 in the above crime, he shall be released on bail on executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for the like sum each to the satisfaction of the arresting officials, and also on condition that the petitioner/accused No.18 shall make himself available for investigation as and when required and that he shall not cause any threat, inducement or promise to the prosecution witnesses. The petitioner/accused No.18 shall appear before the Station House Officer concerned one in a week i.e. on every Sunday between 10.00 a.m. and 1.00 p.m., till filing of the charge sheet.

9. Accordingly, the Criminal Petition is allowed.