IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.10224 OF 2026

DATE : 14.07.2026

Between:

Ansari Siraj Ahmed.

...Petitioner-accused No.5

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 petitioner is arrayed as accused No.5 in FIR No.818 of 2026 of Chaitanyapuri Police Station, Malkajgiri District, registered for the offences punishable under Sections 316(2) read with Section 3(5) of Bharatiya Nyaya Sanhitha, 2023.

3. Heard Mr.G.Prem Kumar Reddy, learned counsel for the petitioner and Mr.Surepalli Prashanth, learned Additional Public Prosecutor representing the respondent-State.

4.1. Briefly stated, the prosecution case is that the *de facto* complainant, who is the owner of a residential property, approached accused No.1 for arranging a loan. Accused No.1, in turn, introduced the other accused No.2 and facilitated the sanction of a loan of Rs.35,00,000. Thereafter, at the request of the accused, the *de facto* complainant executed a General Power of Attorney dated 16.05.2018 in respect of the said residential property in favour of accused No.3 as security.

4.2. During the years 2020–2021, the *de facto* complainant came to know that the property tax receipts issued by the Greater Hyderabad Municipal Corporation stood in the name of the petitioner/accused No.1. Upon enquiring with accused No.1, he was informed that the property had been temporarily kept in the petitioner's/accused No.5's name for the purpose of obtaining a bank loan and that it would be restored to the complainant's name upon repayment of the loan. However, after about two years, the complainant began receiving reminders from the bank regarding payment of loan instalments. Thereafter, the accused No.1 allegedly stopped responding to his telephone calls.

4.3. Consequently, the *de facto* complainant obtained an Encumbrance Certificate from the Registration Department, which revealed that the property had been transferred by accused No.3 to accused No.4, who, in turn, executed a sale deed in favour of the petitioner/accused No.5 herein. It was further revealed that the petitioner had mortgaged the property with SBM Bank and obtained a loan of Rs.1,80,00,000. Alleging that the petitioner and the other accused had acted in collusion to cheat him and dishonestly misappropriate his property, the present crime came to be registered.

5. Learned counsel for the petitioner submits that the petitioner is in no way connected with the alleged offences and that the *de facto* complainant never came into contact with him. It is further contended that, even according to the averments in the complaint, the specific allegations are directed only against accused Nos.1 to 3. Learned counsel submits that the petitioner availed the bank loan only after the property had been transferred to him through a registered sale deed. It is further contended that there was neither any deceptive intention on the part of the petitioner towards the bank nor any specific overt act attributed to him against the *de facto* complainant. Nevertheless, the petitioner is ready and willing to cooperate with the investigation and to abide by any conditions that may be imposed by this Court. Accordingly, it is prayed that anticipatory bail be granted.

6. Learned Additional Public Prosecutor opposed the bail application, contending that the allegations against the petitioner, as well as the other accused, are specific in nature. It is submitted that the petitioner actively participated in the commission of the offence against the *de facto* complainant and that he mortgaged the property and availed a loan for the personal benefit of the accused. It is further submitted that the principal accused, namely accused No.1, is involved in similar offences and that several other criminal cases have also been registered against him.

Therefore, it is contended that the custodial interrogation of the petitioner may be necessary to ascertain his involvement in the present case as well as in other connected cases, particularly in view of his alleged participation in the transactions. It is also submitted that accused Nos.1 and 2 were arrested on 26.06.2026, whereas accused No.3 has already been granted anticipatory bail. Accordingly, the learned Additional Public Prosecutor prayed for dismissal of the petition.

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

8. The law relating to the grant of anticipatory bail is now well settled. The power to grant anticipatory bail is an extraordinary but salutary discretionary remedy intended to protect individual liberty against arbitrary arrest and unnecessary detention. Nevertheless, such discretion is neither unbridled nor mechanical and must be exercised having regard to the facts and circumstances of each case. No inflexible or rigid formula can be applied while considering an application for anticipatory bail. The Court is required to balance the fundamental right to personal liberty with the societal interest in a fair and effective investigation. (See.*Gurbaksh Singh Sibbia v. State of Punjab*, (1980) 2 SCC 565).

9. The specific allegation against the petitioner is that accused No.4 executed a registered sale deed in his favour, pursuant to which the petitioner acquired title to the property allegedly belonging to the *de facto*

complainant and fraudulently transferred through accused Nos.1 and 2. It is undisputed that, on the strength of the said sale deed, the petitioner mortgaged the property with SBM Bank and availed a loan. These transactions are supported by registered documents and banking records.

10. The petitioner's contention is that, apart from availing the loan by mortgaging the property, no specific allegation attributes to him any act of deception, inducement, or fraudulent representation against the *de facto* complainant so as to prima facie establish his active involvement in the alleged offences. It is also not in dispute that accused No.3, through whom the property was allegedly transferred to the petitioner's vendor, has already been granted anticipatory bail.

11. The petitioner's involvement has surfaced primarily from registered conveyance deeds and bank records, indicating that the material against him is predominantly documentary in nature. In such circumstances, where the prosecution case substantially rests on documentary evidence already in its possession, the necessity for custodial interrogation is considerably diminished. The petitioner has also expressed his willingness to cooperate with the investigation. Although parity is not an absolute ground for granting bail, the grant of anticipatory bail to accused No.3, whose role forms part of the same chain of transactions, is a relevant circumstance.

12. Having regard to the nature of the allegations, the documentary evidence on record, the absence of any material indicating the likelihood of the petitioner absconding or obstructing the investigation, and his willingness to cooperate with the investigating agency, this Court is of the considered opinion that the petitioner has made out a fit case for the exercise of its discretionary jurisdiction. Accordingly, the petitioner is entitled to the relief of anticipatory bail, subject to such conditions, to secure his presence during the investigation and to safeguard the interests of the prosecution.

13. Accordingly, the Criminal Petition is allowed, subject to the following conditions:

(A). The petitioner/Accused No.5 shall surrender before the Station House Officer, Chaitanyapuri Police Station, Medchal-Malkajgiri District, on or before 29.07.2026. Upon such surrender or in the event of arrest the Station House Officer shall release the petitioner on bail on execution of a personal bond for a sum of Rs.25,000/- (Rupees Twenty-Five Thousand only) with two sureties for a like sum each, to the satisfaction of the said Officer.

(B) The petitioner shall appear before the Investigating officer on every Monday between 09.00AM to 05.00PM, for a period of ten (10) weeks from the date of his release on bail and shall cooperate with the investigation in all respects.

(C) The petitioner shall remain available for interrogation as and when required during the course of investigation and shall extend full cooperation to the investigation.

(D) The petitioner shall furnish his complete residential address, mobile number and other contact particulars to the Investigating Officer and shall promptly intimate any change therein.

(E) The petitioner shall not directly or indirectly induce, threaten, influence, or promise any person acquainted with the facts of the case, nor shall she tamper with prosecution evidence in any manner whatsoever.

14. 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. Miscellaneous applications, if any pending, shall stand closed.

N.TUKARAMJI, J

Date: 14.07.2026
mmr

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