

ITEM NO.25

Court 1 (Video Conferencing)

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Crl.) No.5543/2021

(Arising out of impugned final judgment and order dated 08-06-2021 in CRLP No. 3996/2021 passed by the High Court for the State of Telangana at Hyderabad)

SYED AFSAR PASHA QUADRI

Petitioner(s)

VERSUS

THE STATE OF TELANGANA

Respondent(s)

Date : 17-09-2021 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s)

Mr. Byrapaneni Suyodhan, Adv.
Ms. Tatini Basu, AOR

For Respondent(s)

Ms. Bina Madhavan, Adv.
Mr. S. Udaya Kumar Sagar, AOR
Ms. Sweena Nair, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The Court is convened through Video Conferencing.

Heard learned counsel appearing for the petitioner, learned counsel appearing for the State of Telangana and carefully perused the material available on record.

The main grievance of the petitioner in this Special Leave Petition is that the High Court while allowing an application filed by him under Section 438 of the Code of Criminal Procedure, 1973 granting anticipatory bail, directed the Petitioner to comply with the Condition No.(iii) with regard to cancellation of the registered sale deed executed by him and return the money received

from the complainant. The said condition is reproduced below:-

(iii) "The petitioner/accused shall cooperate in the investigation and shall furnish all the registered documents before the investigating authorities and he shall take steps to cancel the registered sale deeds executed in favour of the vendees within two months from today, and shall also return the consideration amount received through the said registered sale deeds within two months from today, failing which, liberty granted to the petitioner shall stand cancelled automatically and he shall be taken into custody forthwith."

We are, *prima facie*, of the considered view that the High Court ought not to have imposed the said Condition No.(iii), while granting anticipatory bail to the petitioner, as it would tantamount to adversely affect the rights of the parties to the registered documents, which can be adjudicated upon by a Civil Court only.

In addition to the above, in our opinion, a registered sale deed cannot be cancelled unilaterally by one party to the said document in purported compliance of the direction given by the High Court and thereby adversely affecting the rights of the purchasers, who are not a party before the High Court.

In view of the above, in our considered opinion, ends of justice would be met if the said condition is deleted from the impugned order.

Accordingly, we delete the said condition.

The impugned Order of the High Court is modified to the extent indicated above.

We make it clear that the remaining conditions as contained in the impugned Order dated 8-6-2021 shall remain intact.

The Special Leave Petition is disposed of in the afore-stated terms.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(R.S. NARAYANAN)
COURT MASTER (NSH)

