

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR
CRIMINAL PETITION No.16224 of 2014

ORDER :

The petitioner, who is accused No.2 in Crime No.742 of 2014 of Rajendranagar Police Station, Cyberabad, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with the above crime registered for the offences punishable under Sections 420, 468 and 471 IPC.

The case of the prosecution is that on 18.08.2014 the informant lodged a report stating that she is the owner and possessor of a house plot bearing No.18, Block I, Phase 2, situated in Survey Nos.273, 274, 275 and 281 of Budvel village. It is alleged that on 06.12.2010 the accused claiming themselves to be the owners sold the said plot to one Smt. Sheetal Agarwal and two others who, in turn, sold the plot to one Nadeem Mustafa and another on 23.03.2013. It is also alleged that all the accused colluded together, created false documents and sold the plot with a view to gain wrongfully. Basing on these allegations, the above report came to be lodged.

The learned counsel for the petitioner mainly submits that the petitioner is only an attesting witness and he is not aware about the transaction. The learned Additional Public Prosecutor opposed the application.

The averments in the first information report would show that on 06/12/2010 the petitioner along with A.1 sold the plot to one Sheetal Agarwal and two others by creating forged and fabricated documents and thereafter i.e., on 23.03.2013 the plot was sold to one Nadeem Mustafa and another. Therefore, it cannot be said that the petitioner was only an attesting witness. Having regard to the nature of the allegations made and as the averments in the report prima facie disclose the offences alleged, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the Criminal Petition is dismissed. However, the petitioner, if so advised, is directed to surrender before the appropriate Court and move an application for bail in the concerned Court after giving prior notice to the Public Prosecutor, in which event, the same shall be dealt with on merits, in accordance with law, at the earliest.

JUSTICE C. PRAVEEN KUMAR

31st December, 2014
cbs

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