

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 1561 of 2015

ORDER :

The petitioner, who is accused No.1 in Crime No.152 of 2013 of Raidurgam 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 120(B), 405, 406, 415, 420, 468, 474 & 506 IPC. A private complaint was filed under Section 200 Cr.P.C. which was referred to the police under Section 156(3) Cr.P.C. for investigation.

The facts in issue are as under:

The informant purchased the schedule property from A.2 for Rs.40 lakhs through an agreement of sale-cum-GPA with possession registered at District Registrar's Office at Ranga Reddy District on 20.02.2010. Initially, the cousin of the informant entered into an agreement of sale with A.1 in respect of four properties and one of the properties is the schedule property. A.2, who is the vendor of the informant, purchased the schedule property from A.3 on 12.05.2006 through a notarised agreement of sale on a promise made that the Government of Andhra Pradesh issued patta in favour of A.3 under UPH scheme vide patta No.B2/8838/81. It was alleged that A.3 also cleared the loan to APSHCL, Chevella Division. It is stated that the informant, his vendor and vendor's vendor were in absolute possession of the schedule property from 1981.

While things stood thus, one Dasaratha Bai and Mahesh Yadav entered the schedule property and tried to interfere with

the same on the ground that the Government has granted patta in favour of Dasaratha Bai. In February, 2013 the said two persons again came to the schedule property claiming themselves to be the owners of the schedule property. Enquiries made by the informant revealed that A.1 to A.3 have created documents in favour of A.3 by forging the Government records as if the property was given by the Government in favour of A.3, which is false. It is stated that A.1 is the main author of the document for which others supported him. It is further stated that all the accused showed the owner of plot No.31 as plot No.37, created documents and executed a sale deed by impersonation. As the accused evaded to pay/return the money to the informant and since the said act was done with an intention to cheat the informant, the above crime came to be registered.

The learned counsel for the petitioner mainly submits that the allegations made in the report are all false and invented for the purpose of this case. According to him, the petitioner is not a beneficiary and no monetary benefit got accrued to him. Hence, he submits that the petitioner is entitled for grant of anticipatory bail.

The learned Public Prosecutor opposed the application contending that there is enough material to connect the petitioner with the crime and if the petitioner is released, there is every likelihood of petitioner tampering with the evidence.

A perusal of the averments in the report would show that in the year 2010, A.2 sold the schedule property to the informant

for a sum of Rs.40 lakhs. It is stated in the report that while the informant was in possession of the property, two persons came to the schedule property claiming themselves to be the owners, in view of a patta granted in favour of one of them by the Government. A private complaint came to be filed immediately after the incident in February, 2013 and the same came to be registered as Crime No.152 of 2013. Two years after registration of the crime, the present application is filed seeking anticipatory bail to the petitioner. The argument of the learned counsel for the petitioner that the petitioner is not a beneficiary, cannot be accepted for the reason that the averments in the report would show that all the three accused colluded together and created documents with a view to cause wrongful loss to the informant. Since the allegations made in the report prima facie constitute the offences alleged and in view of the argument advanced by the learned Public Prosecutor that there is every likelihood of petitioner tampering with the evidence, 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 concerned Court and move an application for bail before the appropriate Court after giving prior notice to the Public Prosecutor in which event the same shall be dealt with, in accordance with law, either on the same day or at least by the next day.

JUSTICE C. PRAVEEN KUMAR

10th March, 2015
cbs

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