

HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.5545 of 2015

ORDER:

The petitioner, who is accused No.2 in Crime No.173 of 2013 of P.S. CCC, Naspur, Adilabad District, registered for the offences punishable under Sections 420, 120(B) and 506 IPC and 150(3) Cr.P.C., filed this petition under Section 438 of Cr.P.C., seeking anticipatory bail.

Heard and perused the material available on record.

The case of the de facto complainant is that A1 sold a plot in Sy.No.25 of Theegalpahad shivar, admeasuring 605 sq.yards, to the de facto complainant and another for a consideration of Rs.5,68,000/- through a registered sale deed, which was said to have been purchased by A1 from A2. But, on physical verification, the de facto complaint found that there was no such plot in Sy.N.25, but it is in Sy.No.26, which was already sold by the father of A2 to a third party. Thus, A1 and A2 conspired together and cheated the de facto complainant.

Learned counsel for the petitioner submitted that the petitioner is innocent of the allegations made against him and he has no knowledge about lodging of complaint and registering of case against him and the police after completion of investigation, filed charge sheet before the Magistrate showing the petitioner as absconding and hence, the learned Magistrate has issued NBW against the petitioner, and the petitioner is ready to furnish suitable sureties and also willing to cooperate with the trial.

Considering the facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the petitioner. However, the petitioner is directed to surrender before the trial Court and file an application to recall the warrant issued against him. On filing of such

application, the trial Court is directed to recall the warrant on petitioner 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 said Magistrate and further, the petitioner is directed to appear before the trial Court daily for a period of (15) days.

With the above directions, the Criminal Petition is disposed of.

RAJA ELANGO, J

June 26, 2015.
KTL