

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION NO.701 of 2015

ORDER :

The petitioner/A12 filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.24 of 2014 of Nagarampalem Police Station, Guntur District, registered for the offence punishable under Sections 120-B, 380, 466, 468 r/w 34 I.P.C.

The case of the prosecution is as under:

On 23.01.2014 the informants, lodged a complaint stating that in a civil dispute pending between the informants and accused No.2, accused No.2 is alleged to have conspired with accused Nos.1 and 3 to 5, who are her close associates, committed theft and tampered with the original title deed bearing Nos. 11828/1981 and 380 of 1982, which were filed and marked as Exs.A1 and A2 in O.S.No.854 of 2007 on the file of the I Additional Junior Civil Judge, Guntur. It is alleged that with the help of advocates, the accused created a forged notarized will in favour of accused No.2 in respect of a land admeasuring 1867 square yards situated in D.No.217 of Nallapadu Village, 9th Lane, Syamala Nagar, Guntur. It is also stated that the said property was already bequeathed by late Kodali Atchaiah, to the informant No.1 vide document No.294 of 1998. On receipt of caveat notice from accused No.2 on 22.01.2013, the informants filed O.S.No.81 of 2013 seeking permanent injunction immediately. Along with the suit the informants also filed I.A.No.77 of 2013 in the above suit restraining accused No.2 from interfering with the possession of the property. During pendency of the suit, accused No.2 sold the property in favour of the petitioner. It is alleged that on 05.04.2013, accused No.2 with the help of anti social elements demolished the compound wall and asbestos sheds and made the property into a vacant site. It is also stated that the petitioners also filed I.A.No.693 of 2013 in O.S.No.81 of 2013 praying the Court for production

of original documents bearing Nos. 11828 of 1981 and 380 of 1982, which were in possession of accused No.2, but accused No.2 has not filed any counter.

Heard the learned counsel for the petitioner and learned Public Prosecutor appearing for the respondent-State.

The learned counsel for the petitioner submits that the petitioner is alleged to have signed as a witness in four sale deeds of Exs.A7, A8, A9 and A10.

The learned Public Prosecutor opposed the same. On instructions submits that A13 and A15, who stand on the same foot, were arrested and released on bail. A7 and A8 were also arrested and released on bail and the bail application of A9 is still pending. The record reveals that A10 was granted anticipatory bail by this Court.

Having regard to the said circumstances, the petitioner shall appear before the concerned Magistrate within three weeks from today and make an application for bail after giving prior notice to the Public Prosecutor, in which event the same shall be dealt with the same on merits in accordance with law, keeping in view the bail granted to A7, A8, A10, A13 and A15.

Accordingly, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

16.02.2015
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