

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.8581 of 2015

ORDER:

The petitioner, who is accused No.5 in Crime No.163 of 2013 of Chandragiri Police Station, Tirupati Urban, Chittoor District, registered for the offences punishable under Sections 120-B, 420, 464, 468 and 471 IPC, 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 prosecution is that A1 is an Educational Institution, A2 is its Vice President, A3 is the daughter of A2 and A4 is his son-in-law. The petitioner – A5 is the Secretary of A1 institution. The case of the de facto complainant is that petitioners 2 to 4 have conspired together and created false documents with regard to an extent of Acs.5.00 cents of land, which belongs to the de facto complainant, and sold the same to the petitioner - A5. The de facto complainant is the absolute owner of the above said land and he never sold the said land to A5 and by forging his signatures, A2 to A4 created false documents showing that the said land belong to A1 Institution and sold the same to the petitioner. The de facto complainant executed an agreement for sale in favour of one Anjaiah and as he did not come forward, the de facto complainant filed a suit in a civil Court.

Learned counsel for the petitioner submitted that the allegations levelled against the petitioner are not correct and the petitioner is no way concerned with the affairs of the A1 institution and A2 to A4 were responsible for creating false documents. He further submitted that A3 and A4 were granted anticipatory bail and A2 was arrested and was released on regular bail and the petitioner also filed an application before the Court below for grant of anticipatory bail but the same was

dismissed. He further submitted that investigation was completed and charge sheet was also filed before the Court concerned and the Court below issued NBW against the petitioner and the same pending.

The record would disclose that the crime was registered in the year 2013 and after completion of investigation, charge sheet is also filed. Considering the facts and circumstances of the case, this Court is of the view that the anticipatory bail cannot be granted to the petitioner.

In the circumstances, the petitioner is directed to surrender before the trial Court, and file an application for recalling the warrant issued against him. On filing of such application, the trial Court is directed to recall the warrant on the same day and enlarge the petitioner on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for the like sum each. Further, the petitioner is directed to appear before the trial Court on all hearing dates.

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

RAJA ELANGO, J

September 01, 2015.
KTL