

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.5081 of 2015

-

ORDER :

This criminal petition is filed by the petitioner/A.2 under Section 482 Cr.P.C seeking to quash the proceedings in Crime No.36 of 2015 of Kurnool (I) Town Police Station, Kurnool District, registered against one J. Gulab Khan @ Wasif Ali Khan as A.1 and the petitioner for the offence punishable under Section 420 read with 34 IPC.

2. Heard the learned counsel for the petitioners as well as the 1st respondent-State represented by the Public Prosecutor before admission and before ordering any notice to the 2nd respondent and perused the material on record.

3. The material falls short for this Court to admit the application under Section 482 Cr.P.C. though it is the contention of the learned counsel for the petitioner as if the petitioner is a bonafide purchaser for the value of Rs.25,00,000/- and Rs.10,00,000/- respectively. The property covered by four items belongs to the de facto complainant-2nd respondent herein. Through General Power of Attorney-A.1 there is a clear accusation that the documents are created by A.1 and the petitioner by taking old age and infirmity physically and also visually of the de facto complainant.

4. Having regard to the above, there are no grounds to admit but for giving liberty to the petitioner to surrender before the learned Magistrate concerned and move for regular bail with notice to Additional Public Prosecutor. In such an event, the learned Magistrate shall grant bail with necessary conditions preferably on the same day. In the event of the police making out a case for police custody for the purpose of interrogation, the petitioner shall be liable to be taken in police custody for facilitating the further investigation remained if any, with the permission of the Magistrate concerned, subject to necessary precautions and instructions as per the constitutional bench expression of Apex Court in guideline No.iv in **Gurubaksh Singh Sibbia v. State of Punjab**^[1]. In the event of police filing final report, the petitioner is at liberty to seek appropriate remedy available to him.

5. With the above observation, the criminal petition is disposed of.

6. Miscellaneous petitions pending, if any, shall stand dismissed

Dr. B. SIVA SANKARA RAO, J

22nd June 2015.

mar

[\[1\]](#) (1980)2 SCC 565