

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 16271 of 2014

ORDER:

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The petitioners, who are accused Nos.2 and 3, filed the present application under Section 438 Cr.P.C. seeking release in the event of their arrest in connection with Crime No. 205 of 2014 of Narsapur Town Police Station, West Godavari District, registered for the offences punishable under Sections 364 (A), 365, 342, 465, 468, 307, 370 and 120-B read with 149 IPC and Section 81 of the Registration Act.

The gist of the allegations in the complaint would show that L.W.1 was residing in house bearing Door No.No.6-11-48 situated by the side of the house of the informant. L.W.1 was the only son of one Osuri Sita Maha Lakshmi. During her lifetime, she is alleged to have executed a Will dated 29.08.1996 giving General Power of Attorney to her brother by name Guddati Krishna Murthy as Executor of the Will and also to look after the welfare of L.W.1 as he was an unmarried person. After the death of Krishna Murthy, his son Bhanu Murthy and subsequent to his death, the informant was looking after the affairs and welfare of L.W.1 as per the Will dated 29.08.1996. The averments in the report disclose that in the year 2009 L.W.1 got sufficient properties by virtue of a decree. Accused Nos.1 to 3 are alleged to have developed an evil intention to grab the properties. It is alleged that L.W.1 was in a habit of going out everyday morning for taking tea. On the date of incident L.W.1 went to the bus stand for taking tea in a coffee hotel situated there. At that time, two persons came on a motorcycle, took LW.1 to a certain distance and later he was forcibly pushed into the Taxi. It is alleged that the victim was taken to Ravulapalem and was detained in a building. The accused are

alleged to have taken nearly 40 signatures on blank non-judicial stamp papers and also on some blank papers affixed with revenue stamps. From there L.W.1 was taken to Karukuwada, Bethapudi village where he was detained in a house and again his signatures were obtained. The averments in the report also disclose that the Sub-Registrar was made to come to the house in Karukuwada and Bethapudi village, where signatures of the informant were obtained. Thereafter LW.1 was dropped near Narsapuram on the night of 19.09.2014 at about 9.00 p.m. At the time of abduction of L.W.1 some photos were also taken with the cell phone of A-1 to A-7 and A-9. On coming to know about kidnap of L.W.1, the complainant made enquiries in and around Narasapuram village and on suspicion also enquired in the Sub-Registrar Office, Palakol, Bhimavaram and other places. It is thus alleged that with an intention to cheat LW.1, the accused are alleged to have obtained signatures of L.W.1 and the properties were registered in the names of others. The documents which are obtained from Registrar office would show that L.W.1 is alleged to have sold away property to accused No.1 for an amount of Rs.22,43,000/- and that an amount of Rs.19,43,000/- was paid. Accused Nos.5 and 6 are the attestors and accused No.7 is the scribe of the document. Accused No.8 is the Sub Registrar who registered the documents by going to a house in Karukuwada, Bethapudi village.

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

The learned counsel for the petitioners mainly submits that even accepting the allegations in the report to be true no offence of abduction or kidnap is made out against the petitioners as they are the purchasers of the property sold to them by LW.2. According to him, the petitioners are bonafide purchasers and the matter is purely civil in nature. He also comments upon the claim made by the complainant

as heir of the executor of the will by inheritance.

On the other hand, learned counsel for the second respondent who got impleaded, strongly opposed the application contending that the averments in the report do disclose an offence against the petitioners as well. According to him, the manner in which the transactions took place itself discloses the conspiracy and the fraudulent intention on the part of the accused in getting the properties of LW.2 registered in the names of the accused.

A perusal of the material placed before the Court and the instructions received by the public prosecutor would show that the first petitioner, who is a rowdy sheeter is involved in six cases, where as the second petitioner also involved in a case registered for an offence punishable under Section 307 IPC. The material also discloses that the registration of all the properties belonging to Osuri Aswarthama Naidu (LW2) and the alleged abduction took place on 29.09.2014 itself. In fact the record also discloses about the Sub-Registrar, who is arrayed as accused No.8, went to the house of one of the accused and got the properties registered in the names of the accused. Though the learned counsel for the petitioners tried to contend that the statement of Osuri Aswarthama Naidu is not recorded till date, but the case diary reveals that police recorded the statement of said Osuri Aswarthama Naidu on 21.10.2014 itself. A perusal of the said statement clearly shows that the accused took 40 signatures on blank papers and also on typed papers. His statement also discloses about, how he was wrongfully confined in a room and under threat he was made to sign. In view of the statement of LW.2 which corroborates the version given in the First Information Report, the argument of the learned counsel for the petitioners that the allegations made in the report given by the complainant are false cannot be accepted at this stage. Having regard to the nature of allegations made, and as they are involved in number

of cases as referred to above, I am not inclined to grant anticipatory bail to the petitioners. However, the petitioners, if so advised, shall surrender before the Court concerned and move an application for bail after giving prior notice to the public prosecutor concerned, in which event the same shall be dealt with in accordance with law at the earliest.

Accordingly, the Criminal Petition is disposed of.

C. PRAVEEN KUMAR, J

20.01.2015

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