

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 1524 of 2015

ORDER:

The petitioner, who is accused No.1, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.345 of 2014 of Nellore II Town Police Station, Nellore District, registered for the offences punishable under Sections 464 and 420 read with 34 IPC. Originally a private complaint was filed under Section 200 Cr.P.C. which was referred to the police under Section 156 (3) Cr.P.C.

The averments in the complaint would disclose that in the year 1992 while the informant was in Nellore Town, accused No.1 approached her and informed that he started real estate business under the name and style of "Shirdi Real Estates" in Sai Krishna Complex, Jonnalagaddavari Veedhi, Nellore of which accused Nos.2 and 3 are his partners. He is alleged to have formed a layout in Sy.No.183 of Potireddypalem village. Pursuant to an inducement made, the informant paid 69 instalments @ Rs.350/- per month to the accused and the same were entered into pass book No.295 which was given to the informant. Since 1999 the informant made several requests to the accused to allot a plot and register the same in her favour but the accused are postponing the same on one pretext or the other. On 06.09.2010 the informant and her son came down from Guntur and questioned about their inducement, to which the accused is alleged to have handed over a registered sale deed bearing document No.937 of 2000 dated 10.10.2000, executed by accused No.2 in favour of the informant. In the said sale deed it is mentioned as if plot No.87 was allotted in

favour of the informant and accused Nos.1 and 3 signed the said document as witnesses. The informant and her son went to Potireddypalem village and their enquiries revealed that there is no such plot. When the informant questioned the accused about the same, the accused sought time to allot the plot by measuring the land through surveyor and later they postponed the same on one pretext or the other. Basing on these allegations the above case came to be registered.

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

Learned counsel for the petitioner mainly submits that even accepting the allegations in the report to be true no offence is made out against the petitioner. According to him, the petitioner is only a witness to the transaction and that the land was purchased by the informant from accused No.2.

Learned Public Prosecutor opposed the application.

A perusal of the averments in the report would show that all the three accused entered into an agreement with the informant for sale of plot bearing No.87 in Sy.No.183 of Potireddypalem village. The informant is alleged to have paid Rs.24,150/- from the year 1992 onwards. When the informant asked for registration of the same it was postponed on one pretext or other. On 06.09.2010 when the informant is alleged to have asked the accused for return of the amount, the accused are alleged to have handed over the registered sale deed bearing document No.937 of 2000, dated 10.10.2000 executed by accused No.2 in favour of the informant, which was attested by accused Nos.1 and 3 as witnesses. It may be true that the petitioner has signed as witness in the sale deed,

but at the same time it has to be noted that all the three accused entered into an agreement of sale and one of the accused executed a registered sale deed. When the informant went to the said place and enquired about the plot, there was no such land. Learned Public Prosecutor on instructions submits that number of people are cheated by the accused and huge amount was collected from the public without there being any land in their names. Having regard to the said circumstances, I am not inclined to grant anticipatory bail to the petitioner. However, the petitioner if so advised shall appear before the concerned Court and move an application for grant of bail after giving notice to the Public Prosecutor, in which event the same shall be dealt with on merits in accordance with law at the earliest.

Accordingly, the Criminal Petition is dismissed.

C. PRAVEEN KUMAR, J

09.03.2015

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