

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION No. 15902 of 2016

ORDER:

Vide present Criminal Petition, the petitioners/Accused Nos. 2 and 5 seek bail in Crime No. 89 of 2016 registered on the file of Station House Officer, Police Station, Robertsonpet, Krishna District for the offences punishable under Sections 420,465 and 471 read with Section 120B IPC.

The case of prosecution is that the complainant and one Dr.G.Dyvasirvadam were having land to an extent of 1116 square yards in Ward No.11, at D.No.11/268, besides the Robertsonpet police station and raised the compound wall around the said site. Accused No.1 by name Kambam Bhaskar Rao having colluded with petitioner No.1/Accused No.2, created fake documents and committed forgery and got registered the subject land by tampering records in favour of Petitioner No.1/Accused No.2. Based on the aforesaid averments, the police registered the aforesaid crime.

Learned Counsel appearing on behalf of the petitioners/Accused Nos. 2 and 5 submits that the petitioners herein are no way connected with the alleged offence, more particularly the offence alleged under Sections 420,465, 471 read with 120B IPC. Accused No.1 representing himself as GPA holder for Convention of Baptist Churches of the Northern Circars

('CBCNC' for short) had given the lease of the aforesaid property to Petitioner No.2/Accused No.5 vide registered document No.1757, dt.11.03.2016 having registered before the Sub Registrar, Machilipatnam and to Petitioner No.1/Accused No.2 vide registered document No.1758 of 2016, dated 21.3.2016 having registered before the Sub Registrar, Machilipatnam. He further submits that the De facto complainant had not lodged any complaint before the Registering Officer to verify the genuineness of the documents and to take necessary action. He also not approached the competent civil Court for cancellation of lease deeds. However, he directly approached the police station to register the crime against the petitioners.

Learned Additional Prosecutor appearing on behalf of the respondent-State has strongly opposed the case and further submitted that the petitioners herein having colluded with Accused No.1 created fake documents and got registered the subject land in their favour. He further submits that the earlier bail application of the Accused No.1 vide CrI.P.No. 15911 of 2016 was dismissed by this Court on 16.11.2016 and the petitioners herein have similar role to that of Accused No.1 and therefore the present Criminal Petition may be dismissed.

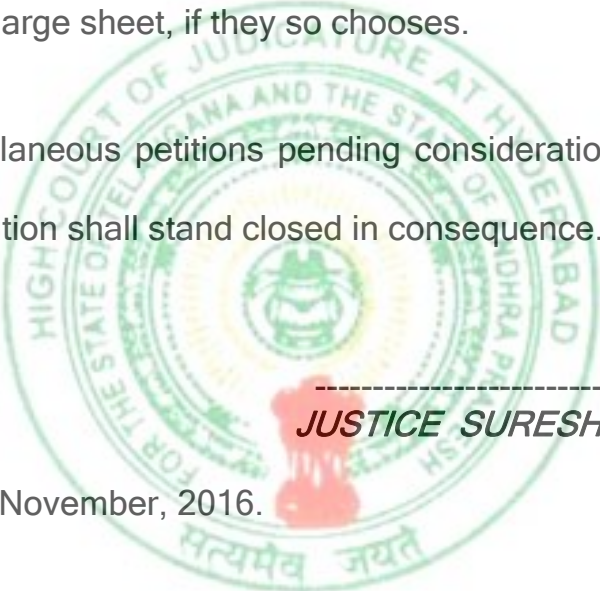
I do not agree with the submission of the learned Counsel appearing on behalf of the petitioners/Accused No.2 and 5 that if any forgery is committed, the aggrieved person should first approach the competent authority for addressing his grievance

and he should not directly approach the police for lodging complaint against culprits. After approaching the competent authority, he should approach the competent civil Court or any other appropriate Forum seeking appropriate relief.

Keeping in view the serious allegations levelled against the petitioners, I am not inclined to grant bail to them.

The Criminal Petition is therefore dismissed. However, liberty is given to the petitioners to move bail application afresh after filing charge sheet, if they so chooses.

Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence.



JUSTICE SURESH KUMAR KAIT

DATED 17th November, 2016.
Msnr_x