THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.12450 of 2016

ORDER:

The petitioners, who are A.2 to A.5 in crime No.77 of 2015 of Tanuku Police Station, West Godavari District, preferred the present application under Section 438 Cr.P.C. seeking release in the event of their arrest in connection with the above crime registered for the offence punishable under Sections 420, 468 and 471 r/w.34 of Indian Penal Code.

The case of the Prosecution is that in the month of September, 2014, A.2 to A.5 under the leadership of A.6 approached A.1 for grant of loan to a tune of Rs.25 lakhs each on the ground of doing business in sea foods processing and packing of fishes and prawns. On that, A.1 agreed to sanction loan and directed A.6 to produce valid property documents as security. On that A.6 contacted one Deepakbai Ramachandrabai Patel of Eluru, received the documents pertaining to land in RS Nos.141 and 141/2 of Chanikyapuri Colony, Eluru, and shown them to A.1. On that, A.1 advised them to get the EC & certified copies from concerned Sub-Registrar Office. Then, A.2 to A.6 obtained them in the name of one D.Ravi Kumar, legal adviser of the Bank. Basing on the said documents and after obtaining the valuation certificate from a certified valuer, the bank manager sanctioned loan. It is also alleged that out of the total loan amount, an amount of Rs.35 lakhs was paid to A.1 as his share. Basing on these allegations, present case came to be lodged.

Heard the learned counsel for the petitioners as well as the learned Public Prosecutor.

Learned counsel for the petitioners mainly submits that even accepting the allegations in the report to be true, no offence is made out against the petitioners. It is his case that the entire case is against A.6 who is alleged to have forged and fabricated the documents.

Learned Public Prosecutor strongly opposed the bail application contending that the allegations made against the petitioners are grave and serious in nature and the involvement of the petitioners has been clearly established.

A perusal of the material on record *prima facie* establishes the involvement of the petitioners in the commission of offence. The allegations show that the petitioners availed the loans to the tune of Rs.25 lakhs each, basing on the forged and fabricated documents knowing them to be forged and fake. Subsequently, they are alleged to have paid Rs.35 lakhs to the bank manager towards his share. In view of the nature of allegations made against the petitioners, which are grave and serious in nature, I am not inclined to consider the request of the petitioners. However, it is always open to the petitioners to surrender before the concerned Court and move an application seeking regular bail, in which event the same shall be considered in accordance with law at the earliest.

Accordingly, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

08.09.2016
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