

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION NO.9821 of 2016

ORDER :

The petitioner, who is A4 in Crime No.93 of 2016 of Medchal Police Station, Cyberabad District, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with the above crime registered for the offences punishable under Sections 417, 420, 468, 471 read with Section 120 b of IPC.

The facts in issue are as under:

A1 and A2 who are friends hatched a plan to earn money illegally. Sri P.Jaganadham, who is father of LW1, is said to be the absolute owner of the land admeasuring 300 Square yards existing in Survey Nos.245, 268 to 273 at Ragavendranagar, Athvelly, Medchal, RR District, and the same was inherited to LW1 and his siblings on the demise of his father. It is alleged that A2 got introduced to LW4, who is cousin brother of LW1 and after negotiations A2 took xerox copy of documents relating to the above said land from LW4 under the guise of disposing the said land to third party. Thereafter, A2 handed over fake sale deed document to A1, who in turn, created fake death certificate and got registered GPA in his favour, claiming A3 and A4 as legal heirs of the deceased and the same was witnessed by A5 and A6. Subsequently, A1 sold the said land to LW8 at the rate of Rs.12 lakhs and collected total amount of Rs.10 lakhs in two different occasions from LW8 and executed registered sale deed in her favour. Subsequently, A1 gave Rs.1 lakh to A2 as his share and both A1 and A2 embezzled the said amount lavishly. Basing on these allegations, the present crime came to be registered.

Learned counsel for the petitioner submits that the petitioner is

innocent of the offences alleged and he has been falsely implicated in the case. He submits that he has never created such document at any point of time.

Learned public prosecutor opposed the application.

A perusal of the averments in the case dairy reveals that the petitioner along with A3 impersonated the informant claiming themselves to be legal heirs of the deceased father and got executed GPA in favour of A1, in the presence of A5 and A6, who stood as witnesses to the transaction. The case dairy further discloses that subsequent to the alleged transaction, A1 sold the said land to LW8 at Rs.12 lakhs and on receiving Rs.10 lakhs from her, he executed registered sale deed vide document No.7126/2015 in favour of Smt.Mallavaram Laxmi. Therefore, it cannot be said that the petitioner is innocent of the offences alleged, as he along with his mother impersonated the informant with fake documents in collusion with other accused.

Having regard to the nature of allegations made, the request of the petitioner is rejected. However, the petitioner, if so advised, shall surrender before the concerned Court and move an application for grant of bail before appropriate Court after giving prior notice to the Public Prosecutor, in which event the same shall be dealt with in accordance with law on the same day or at the earliest.

Accordingly, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

10.08.2016

vhb