

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.14162 OF 2016

ORDER:

The petitioner, who is A.2, preferred the present Criminal Petition under Section 438 of the Code of Criminal Procedure, 1973, seeking release in the event of his arrest in connection with Crime No.984 of 2016 of L.B.Nagar Police Station, Cyberabad, registered for the offences punishable under Sections 419, 420, 467, 468 and 471 read with 120-B IPC.

2. The case of the prosecution is as under:

The informant purchased an open plot No.902, admeasuring 300 square yards in Sy.No.128 situated at Almasugda from his vendor on 22.10.1986 vide sale deed No.12716 of 1986 and one Sanjeeva is using the plot temporarily for making bricks. Recently, the said Sanjeeva informed him that GPA was executed in respect of the said plot and sent a copy of Agreement of Sale-cum-General Power of Attorney with possession dated 08.03.2016 to him through whatsapp. On that, the informant along with LW.2 went to the Joint Sub-Registrar Office, L.B.Nagar and enquired about the said document and found it to be a fake document and requested the Sub-Registrar to take necessary action into the matter. On that, he advised him to meet a private document writer by name Naveen Kumar, who will settle the issue. Then, he approached the said Naveen Kumar and in turn, he made a call to A.3. Later, A.3 came to the Sub-Registrar Office and informed him that he would get the said fake agreement of sale dated

08.03.2016 cancelled. Further, it is revealed that A.1 used to supply stamp papers and rubber stamps, while A.2 was enquiring about vacant plots and collect the information to make false documents. A.5 and A.6 approached A.3 and told him that there is an open plot bearing No.902 admeasuring 300 square yards in Sy.No.128 situated at Almasguda for sale and asked him to purchase it and they would arrange maximum concession over the plot. On that, A.3 approached A.1 and A.2 through A.5 and A.6 to purchase the said plot. Thereafter, A.1 and A.2 with the help of A.5 and A.6 executed forged agreement of sale-cum-General Power of Attorney with possession vide document No.5683/2016 dated 08.03.2016 in favour of A.4, for which, A.3 paid Rs.12,00,000/- to A.1 and A.2 towards sale consideration on behalf of A.4 as A.4 is working as Technician under him. A.7 is working as CT Scan Technician in Sai Sanjeevani Hospital, who used to provide information of vacant plots to A.1 and A.2 by using the website of Telangana and A.8, who is doing real estate business was bringing the customers by showing the forged and false documents of various open plots. A.9 and A.10 put their signatures on both the alleged forged documents as witnesses though they have knowledge that the said documents are fake. Naveen Kumar, who is a private document writer at Joint Sub-Registrar Office, L.B.Nagar, with a criminal conspiracy, created a fake and false document over the plot of the informant by impersonating him. Basing on these allegations, the present crime came to be registered.

3. Learned counsel for the petitioner submits that as per the prosecution, role of the petitioner is only to identify the vacant places,

except that, no other specific overt acts are attributed against the petitioner.

4. Learned Additional Public Prosecutor opposed the petition contending that the petitioner along with A.1 through A.5 and A.6 purchased plot and also got executed a forged document of agreement of sale-cum-GPA, hence the petitioner is not entitled for anticipatory bail.

5. As seen from the record, A.1 and A.2 with the help of A.5 and A.6 executed forged agreement of sale-cum-General Power of Attorney with possession vide document No.5683/2016 dated 08.03.2016 in favour of A.4, for which, A.3 paid Rs.12,00,000/- to A.1 and A.2 towards sale consideration on behalf of A.4 as A.4 is working as Technician under him. Having regard to the nature of allegations, which are serious in nature, I am not inclined to grant anticipatory bail to the petitioner.

6. However, having regard to the fact that other accused are granted bail, the petitioner shall surrender before the concerned Court and move an application after giving prior notice to the learned Public Prosecutor, in which event, the same shall be considered, in accordance with law, on the same day.

7. Accordingly, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

Date:30.09.2016
INL