

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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CRIMINAL PETITION No.9935 OF 2016
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ORDER:

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

2. The present Criminal Petition came to be filed by the petitioner/A.1 under Section 438 Cr.P.C., seeking release in the event of his arrest in Crime No.574 of 2016 of Hayathnagar Police Station, Cyberabad, Hyderabad, registered for the offences punishable under Sections 447, 427, 468, 471, 419 and 420 IPC.

3. The case of the prosecution as per the Remand Case Diary and the material collected by the police during the course of investigation is that in the year 1986 the informant purchased land to an extent of 250 square yards in Sy.Nos.190 of Bagh Hayatnagar, vide document No.12373/1986 and since then, she has been in possession of the said land. But, subsequently, she lost the original papers pertaining to the said plot. Taking advantage of the situation, A.1 to A.5 and A.7 to A.9 and others colluded with each other and hatched a plan to dispose of the said property by preparing fake and forged documents as well as other documents. Accordingly, A.8 impersonated the informant, whereas A.4 acted as agreement holder to register the said plot in the name of one Prabahakar Reddy and thereby cheated the informant. Basing on these allegations, the present case came to be registered.

4. Learned counsel for the petitioner mainly submits that even

accepting the allegations levelled against the petitioner to be true, no offence is made out against the petitioner as the entire case is based on confession of the co-accused, which is inadmissible evidence.

5. Learned Additional Public Prosecutor submits that investigation is still in progress and there is documentary evidence to show that the petitioner along with others hatched a plan to dispose of the property belonging to the informant.

6. As seen from the material on record, investigation is still in progress and the material papers *prima facie* indicate the role of the petitioner in commission of offence. The confessions said to have been made by co-accused also indicate the role of the petitioner in the commission of offence. That being the position, the petitioner is not entitled for anticipatory bail.

7. However, the petitioner shall surrender before the concerned Court and move an application for regular bail after giving prior notice to the Public Prosecutor, in which event the same shall be considered at the earliest preferably on the same day, taking into consideration of all the facts in issue.

8. Accordingly, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

Date:20.07.2016

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