

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

WEDNESDAY THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND SIXTEEN

PRESENT

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION NO. 16654 OF 2016

Between:

Pilli Trimurthulu Satyanarayana ... Petitioner/A-5

V/s.

The State of Andhra Pradesh
Represented by its Public Prosecutor [AP]
High Court of Judicature for the State
of Telangana & Andhra Pradesh,
Hyderabad. ... Respondent
Through the Station House Officer,
Sarpavaram Police Station,
East Godavari district.

Counsel for the Petitioner : Sri M. Vijay Kumar Goud

Counsel for the Respondents : Public Prosecutor [AP]

The court made the following: [order follows]

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT**CRIMINAL PETITION NO. 16654 OF 2016****ORDER :**

This Criminal Petition is filed by the petitioner/A-5 under section 437 and 439 of Cr.P.C., seeking to enlarge him on bail in Crime No. 266 of 2016 of Sarpavaram Police Station, East Godavari district, registered for the offences punishable under section 417, 420, 468, 471, 474 and section 120 [B] of IPC.

2. Sri M. Vijay Kumar Goud, learned counsel appearing on behalf of the petitioner submits that the petitioner is an innocent of the alleged offence and at no point of time the petitioner committed any offence, much less as alleged in the FIR. He submits that the Police also arrested A-3 and A-4 subsequent to the arrest of this petitioner and A-1 had filed writ

petition to quash the F.I.R. and this Court directed the Station House Officer concerned in the event of arrest, he will be released on bail, vide orders dated 02/12/2016. He further submits that the Police has examined material witnesses and filing of charge sheet is only formality. The petitioner is not required to keep in judicial custody.

3. He further submits that the Station House Officer is annoyed of the petitioner and has registered five or six cases. Whereas the petitioner filed suit in OS.No. 75 of 2015 under Order-39, Rule 1 and 2 of CPC seeking temporary injunction and the temporary injunction is made absolute. He submits that the petitioner is dealing in real estate business and in the present case also without having the role of the petitioner, the case is registered against the petitioner.

4. On the other hand, learned Additional Public Prosecutor appearing on behalf of the State submits that the petitioner is a habitual offender in creating forged and fabricated documents and he is having past criminal history. He submits that vide Crime No. 23 of 2009 of Kakinada I-Town Police Station he was convicted for the offence punishable under section 420 IPC. In addition to above, vide three crimes; namely, Crime No. 37 of 2015, Crime No. 164 of 2016 and Crime No. 168 of 2016 are pending investigation against the petitioner and others. In the present case, the role of the petitioner is that the petitioner and along with other accused created a fabricated GPA-cum-Sale in survey No.197 of Vakalapudi village in favour of A-3 and A-4 from Manda Veerabai without having any land and title deed however, to obtain wrongful gain. Thus, the petitioner is a master-mind in creating fabricated documents and if the petitioner is released

on bail he will tamper with the evidence and influence the witnesses.

5. Heard the learned counsel appearing on behalf of the petitioner and the learned Additional Public Prosecutor appearing on behalf of the State.

6. The present matter was listed on 08/12/2016 and the learned Additional Public Prosecutor sought time to take instructions and assist the court. Accordingly he submits that as per the Part-I Case Diary, A-1 to A-5 colluded and conspired with one another and pressed GPA-cum-sale of land in survey No.197 under mortgage with registration in favour of the defacto complainant on 02/4/2014 by taking consideration of Rs.4,00,000/- and obtained wrongful gain. Again on 10/4/2015, A-1 to A-5 colluded and executed sale deed to a tune of Rs.16,25,000/- in favour of the defacto-complainant, as

they failed to repay the mortgage amount by taking the balance of Rs.12,25,000/- which is a sale consideration and obtained wrongful gain. Before executing the said sale deed, A-1 to A-5 came to survey No.197/1, 2, 3 situated at Vakalapudi village along with defacto-complainant and handed over Plot No.18 in LP.Nos. 145/85, 163/85 to the defacto-complainant and made him to believe that the said site belongs to A-3 and A-4. Believing the words of A-1 to A-5, the defacto complainant paid the sale consideration and got registration in his favour. When the defacto-complainant after some time approached the above site, he came to know that the real owner, Manda Veera Venkata Raghavendra Rao informed him that the said site belongs to him and he is having absolute rights over the said site with title deeds. Thereafter, the defacto-complainant approached A-1 to A-5 about their illegal transactions, then A-1 to A-5 promised him that they would

repay the sale consideration with a view to cover up their misdeeds.

7. On perusal of Part-I Case Diary, it is conspicuously established that the petitioner and other accused are having past criminal chequered history in forging, manipulating and creating fabricated documents under the garb of dealing in real estate business. Moreover, having filed civil suit for temporary injunction and thereafter temporary injunction made absolute by the civil court does not *ipso facto* dissolve the notoriety of the petitioner and other accused.

8. Keeping in view the fact that the petitioner is a master-mind in creating forged and fabricated documents and is a habitual offender and the Part-I Case Diary depicts the notoriety of the petitioner and other accused. Thus, I am not inclined to admit the petitioner on bail.

9. The Criminal Petition is accordingly dismissed.

10. As a sequel, miscellaneous petitions if any, pending in this Criminal Petition shall stand closed.

JUSTICE SURESH KUMAR KAIT.

14/12/2016
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11. At this stage, learned counsel appearing on behalf of the petitioner/A-5 seeks permission of this Court to withdraw this criminal petition.

12. After hearing the arguments of the learned counsel for the petitioner at considerable length of time and after judicial pronouncement, I am not inclined to accede the request of the learned counsel for the petitioner/A-5 at this stage. This Court highly deprecates such kind of practice.

JUSTICE SURESH KUMAR KAIT.

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HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION NO. 16654 OF 2016
(DISMISSED)



Date: 14/12/2016
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Court Master: I s L