THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.8296 of 2016

ORDER :

The petitioner, who is accused No.1 filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.88 of 2016 of CCS Police Station, Hyderabad, registered for the offences punishable under Sections 120-B, 420, 467 and 471 IPC.

The averments in the first information report would show that the informant is having acquaintance with accused Nos.1 and 2. Out of acquaintance accused Nos.1 and 2 brought accused No.3 to the informant and introduced him as the owner of the land. Accused No.3 showed the sale deed which was executed by the Chief Judge, City Civil Courts, Hyderabad in E.P.No.103 of 2012 in O.S.No.124 of 2012 along with an agreement of sale executed in his favour by one M.V.S.Prasada Raju. Believing the words of accused Nos.1 to 3, the informant purchased plot No.208 admeasuring 716 square yards situated at Jubilee Hills Co-op. House Buildings Society Limited for a sale consideration of Rs.3,22,20,000/- and the informant paid the total amount through 38 Banker cheques and accused No.3 executed sale deed vide document No.2646 of 2013 and delivered vacant possession of the said property. After taking possession of the said property Smt. V.Shailaja, V.V.Chandra Mouli and V.Aparna Rao started interfering with his peaceful possession on the pretext that they are legal heirs of M.V.S.Prasada Raju, from whom accused No.3 purchased the property, which lead to filing of O.S.No.1106 of 2013 on the file of the XXI Junior Civil Judge, City Civil Courts, Hyderabad. As the informant got a doubt that there was something fishy in the transaction gave a letter to their Banker to stop all payment for future presentation of cheques given by him, but the bank informed that except nine cheques the other cheques were encashed. The legal heirs of M.V.S.Prasada Raju filed O.S.No.705 of 2013 to declare O.S.No.124 of 2012 filed by accused No.3 against M.V.S.Prasada Raju as null and void as he did not execute any agreement of sale. The accused have already encashed 29 cheques total amounting to Rs.2,47,00,000/-. It is the case of accused Nos.3 and 4 that it was accused Nos.1 and 2 who were the brain behind the entire criminal acts and they have fabricated an agreement of sale as if it was executed by M.V.S.Prasada Raju in the year 2008 in favour of accused No.3 and consequently filed suit and obtained exparte decree. They got filed E.P.No.103 of 2012 and got executed a sale deed through the Court of Chief Judge, City Civil Courts, Hyderabad. Accused Nos.3 and 4 admitted that accused Nos.1 and 2 paid an amount of Rs.50,00,000/- to them for pursuing O.S.No.124 of 2012 and for executing sale deed in favour of third parties. The cheques which were given by the informant were honoured and encashed in the account of accused Nos.1 and 2. Basing on these allegations the above case came to be registered.

Heard learned counsel for the petitioner and Public Prosecutor appearing for the respondent-State.

A perusal of the material on record would disclose that accused Nos.1 and 2 have created an agreement of sale by forging the signature of M.V.Prasada Raju, got filed suit through accused No.3 and the entire amount was deposited in the account of accused Nos.1 and 2. Having regard to the nature of allegations made and taking into consideration the role played by the petitioner by engaging accused No.3 for filing suit and executing sale deed in favour of the informant by paying Rs.50,00,000/-, I am not inclined to grant anticipatory bail to the petitioner/accused No.1.

Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

25.07.2016
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