

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION NO.7663 OF 2017

ORDER:

Petitioners, who are A1 to A3 in Cr.No.322 of 2017 on the file of Station House Officer, II Town Police Station, Khammam, registered for the offences punishable under Sections 120-B, 406, 415, 418, 420, 468, 471, 294 (b) and 506 r/w 34 IPC, filed this petition under Section 438 Cr.P.C. seeking anticipatory bail.

2. Learned counsel for the petitioners submitted that the lis involved between the parties is purely civil in nature without any element of criminality. He further submitted that A3 has nothing to do with the transaction between A1 and A2 and the de facto complainant. **Per contra**, learned Additional Public Prosecutor representing the State submitted that the petitioners received an amount of Rs.1,35,00,000/- from the de facto complainant by misrepresenting that they are the owners of the land in dispute.

3. The case of the prosecution is that the petitioners 1 and 2 entered into an agreement with the de facto complainant on 30.12.2013 agreeing to sell an extent of Ac.2.26 guntas of land in Sy.No.220/E/1 of Edulapuram village of Khammam district. It is the further case of the prosecution that the petitioners induced the de facto complainant to enter into an agreement of sale posing themselves as owners of the land in dispute. The gist of the allegations made in the complaint is that the petitioners cheated the de facto complainant by receiving an amount of Rs.1,35,00,000/- and failed to execute a sale deed.

4. A perusal of the record *prima facie* reveals that the petitioners induced the de facto complainant to enter

into an agreement of sale on 30.12.2013. In pursuance of the agreement of sale, the de facto complainant paid an amount of Rs.1,35,00,000/-. The petitioners neither returned the money nor executed the sale deed in favour of the de facto complainant. A perusal of the record reveals that the petitioners are not the owners of the land in question. The record reveals that the alleged G.P.A. executed in favour of the petitioners was cancelled in the year 2015. A perusal of the record *prima facie* reveals the role played by the petitioners in the commission of offence.

5. Taking into consideration the nature of the offences alleged to have been committed by the petitioners and the stage of investigation, I am of the considered view that it is not a fit case to grant bail to the petitioners at this stage.

6. Accordingly, the Criminal Petition is dismissed.

DATED: 12-09-2017.
Hsd

T.SUNIL CHOWDARY, J