

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.2259 OF 2017

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed by the petitioners, who are A-1 & A-2 in Crime No.30 of 2017 of Mandamarri Police Station, Ramagundam, for the offences punishable under Sections 447, 420, 467, 468, 506 read with 149 of the Indian Penal Code, 1860 (for short, "IPC"), seeking a direction against the Station House Officer, Mandamarri Police Station, Ramagundam, to release the petitioners on bail in the event of their arrest in connection with the above crime, apprehending their arrest.

2. The case of the prosecution, in brief, is that the *de facto* complainant, Ponugati Srinivas Rao, S/o. Hanmantha Rao, lodged a complaint, dated 16.02.2017, alleging that he is the resident of Hyderabad, purchased land admeasuring an extent of Ac.18.37 guntas, Ac. 15.22 guntas & Ac.12.35 guntas, in Survey Nos.103/3, 103/4 & 103/5 respectively, situated at Andugulapeta Shivar, by registered Sale Deed. The *de facto* complainant further stated that on 15.02.2017, when his persons went to his land for levelling the same, some persons namely Avunuri Shankaraiah (A-1), Avunuri Suman (A-2), Sunkari Srinivas, Chunchu Venkateshwarlu & Dega Venkateshwarlu, by objecting his workers shown illegal documents which sows that they have purchased from one Shahjahan Begum and threatened his persons stating

that they will kill them. The said incident was informed to the *de facto* complainant by his driver Laxman over telephone.

3. The said Shahjahan Begum also lodged a complaint in Crime No.31 of 2017 alleging that she had purchased the said land along with one Metpalli Sukanya under a joint Sale Deed. While so, on 15.02.2017, the *de facto* complainant telephoned her and enquired whether she sold the land to any person and she replied that she has not sold the land to any person and thereupon she came to know that Avunuri Shankaraiah, Sunkari Srinivas, Chunchu Venkateshwarlu and Dega Venkateshwarlu got registered the said land in their favour and taking advantage of her residence at Hyderabad, by colluding each other, to knock away her land by creating forged documents, the accused got registered the said land in their favour. Hence, the *de facto* complainant prayed the police to take necessary action against the petitioners.

4. The contention of the petitioners is that the petitioners are Government employees and that they are *bona fide* purchasers for valuable consideration, thereby they cannot be made criminally liable for the offences punishable under Sections 447, 420, 467, 468, 506 read with 149 IPC.

5. Learned counsel for the petitioners contended that the dispute is civil in nature and taking advantage of the situation, the police are trying to arrest the petitioners in the above crime for the offences punishable under Sections 447, 420, 467, 468, 506 read with 149 of IPC. The petitioners produced the photostat copy of the Sale Deed, dated 22.02.2014, obtained by them from Shahajana Begum, W/o. Yousuf Khan, evidencing purchase of

land of an extent of Ac. 37.25 guntas within the boundaries specified therein. The passport size photo of Shahajana Begum was affixed on the document as per rules and obtained thumb impression and the identifying witnesses photos by name Md. Wajid Ali and Md. Feroz Khan was also affixed, but the dispute is that Shahajana Begum was not the executant of the document. Therefore, it is for the Investigating Agency to find out as to who signed on the document as executant. At this stage, it is difficult for me to conclude *prima facie* that Shahajana Begum is the executant since investigation is not completed as Shahajana Begum herself complained about creation of the document by some of the persons by forging her signature as executant of a document by misrepresentation in Crime No.31 of 2017. Denying execution of Sale Deed in favour of the petitioners is the matter required to be investigated into and at this stage, it is difficult for me to conclude *prima facie* that the petitioners did commit no offence and that too the investigation is in the midway. If the petitioners are enlarged on pre-arrest bail, there is a possibility of interfering with further investigation and tamper evidence, etc. Therefore, I find no ground to enlarge the petitioners on pre-arrest bail.

6. In the result, the Criminal Petition is dismissed. The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M.SATYANARAYANA MURTHY

Date: 27th March, 2017

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