

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CRIMINAL PETITION No.7328 of 2017

ORDER:

This petition is filed, by the petitioners-accused Nos.1 to 3, under Section 438 Cr.P.C., seeking anticipatory bail in Crime No.224 of 2017 on the file of the Station House Officer, Patancheru Police Station, Sangareddy, Medak District, registered for the offences punishable under Sections 447, 427 and 420 read with 34 I.P.C.

2. The learned counsel for the petitioners submitted that the *lis* involved between the parties is purely civil in nature without any element of criminality; therefore, it is a fit case to grant pre-arrest bail to the petitioners.

3. The learned Additional Public Prosecutor submitted that the petitioners herein grabbed the property of the *de facto* complainant and forged the signatures of officials and sold the property, thereby, cheated the *de facto* complainant. He further submitted that the investigation is in progress.

4. It is the case of the prosecution that the *de facto* complainant is the owner of two plots bearing Nos.240 and 241 in Survey Nos.183 and 221 at Rameswaram Banda Village of Patancheru Mandal, Sangareddy District. It is the further case of the prosecution that the petitioners herein by forging the signatures of the officials changed the layout and sold the said plots to third parties. Basing on the complaint of the *de facto* complainant, the above case was registered.

5. The petitioners filed CrI.M.P.No.623 of 2017 on the file of the Court of the Special Judge for SCs./STs. (POA) Act-cum-V Additional Sessions Judge, Medak at Sangareddy, and the same was dismissed on 27.07.2017.

6. In order to appreciate the contention of the learned counsel for the petitioners, this Court carefully perused the counter filed by the prosecution. A perusal of the record *prima facie* reveals that the *de facto* complainant purchased two plots bearing Nos.240 and 241 in Survey Nos.183 and 221 at Rameswaram Banda Village of Patancheru Mandal, Sangareddy District, under registered sale deeds. A perusal of the record reveals that the petitioners herein sold the above said plots to third parties. A perusal of the record further reveals that basing on the complaint of the petitioners, the Station House Officer, Patancheru Police Station, registered a case in Crime No.377 of 2010 against the *de facto* complainant and others for the offences punishable under Sections 447, 448, 428, 323 and 506(ii) read with 34 I.P.C.; and Section 3(1)(v) and (x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act; and Section 7 of the A.P. Land Grabbing (Prohibition) Act. After completion of the investigation, the investigating officer filed final report as lack of evidence. The final report submitted by the investigating officer negatives the contention of the petitioners. A perusal of the record *prima facie* reveals that the petitioners created documents with an ulterior motive to grab the property of the *de facto* complainant. The record further reveals that the investigation is in progress.

7. Taking into consideration the seriousness of the offences alleged to have been committed by the petitioners and the stage of investigation, this Court is of the considered view that it is not a fit case to grant pre-arrest bail to the petitioners.

8. Accordingly, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 12.09.2017

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