

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.1785 of 2017

ORDER:

This petition is filed under Section 438 of Cr.P.C. by accused No.1 in Crime No.251 of 2015 of Bommuru Police Station, registered for the offences punishable under Sections 420, 468 and 471 of IPC read with Section 34 of IPC, apprehending his arrest in connection with the above crime.

The case of the prosecution, in brief, is that one Meka Veera Raghavulu purchased plot No.11, admeasuring 306 sq.yards, covered by R.S.No.507/5, situated behind Police Quarters, Palacherla Village, from K. Venkata Durga Madhusudhana Rao, the petitioner herein, under document bearing No.3633 of 2010 for valuable consideration and he is in possession of the same. While the matter stood thus, the petitioner again sold the said plot in favour of Donthamsetti Veerabhadra Rao, Son of Surya Rao, Resident of Katheru, on 04.03.2013 *vide* sale deed bearing No.2432 of 2013 registered with the Sub-Registrar, Rajanagaram, and in turn, on 06.03.2013, the said Veerabhadra Rao sold the plot to one Arava Sriramachandra Teja, being minor represented by his guardian, Arava Ganta Venkata Rama Surendra, S/o Sri Ramachandra

Murthy, vide registered sale deed bearing document No.2555 of 2013 and thus, the petitioner cheated the de-facto complainant, Meka Veera Raghavulu.

On the strength of the above complaint, the police registered a crime against the petitioner and others.

The main contention of the petitioner is that the petitioner did never execute any document in favour of Donthamsetti Veerabhadra Rao and the alleged document was brought into existence by A.2 and A.3 and thereby, he is entitled to pre-arrest bail. There is no *prima facie* material to conclude that the petitioner did commit any offence and is entitled to be enlarged on bail.

The learned Public Prosecutor for the State of Andhra Pradesh opposed the application on the ground that the petitioner himself executed the document in favour of Donthamsetti Veerabhadra Rao, who in turn sold the same to the third party viz., Arava Sriramachandra Teja, being minor represented by Arava Ganta Venkata Rama Surendra.

The material documents would disclose that the petitioner admitted that he sold the subject plot to Meka Veera Raghavulu under registered document No.3633 of 2010 and delivered

possession of the same. Strangely, the same vendor i.e., the petitioner executed document No.2432 of 2013, dated 04.03.2013 conveying the same property to Donthamsetti Veerabhadra Rao. This fact is sufficient to conclude that the petitioner having induced the de-facto complainant, Meka Veera Raghavulu, to part with huge amount and thereby, sold the subject plot to him by registered sale deed, dishonestly sold the same to the third party i.e., Donthamsetti Veerabhadra Rao by executing another document in his favour. The petitioner having sold the subject plot to the de-facto complainant is not supposed to execute another document in favour of the third party and the said execution of sale deed after receiving the sale consideration from the de-facto complainant would certainly constitute an offence punishable under Section 420 of IPC read with Section 34 of IPC. Therefore, I find *prima facie* material against the petitioner to conclude that he did commit the offence punishable under Section 420 of IPC read with Section 34 of IPC and thereby, I find no ground to grant anticipatory bail to him.

In the result, the petition is dismissed.

M.SATYANARAYANA MURTHY, J

9th MARCH, 2017.

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