

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5789 of 2017

ORDER:

This criminal petition is filed, by the petitioner-accused No.3, under Section 438 Cr.P.C., seeking pre arrest bail in Crime No.61 of 2015 on the file of the Station House Officer, Tenali I-Town Police Station, for the offences punishable under Sections 468, 471, 420 and 447 read with 34 of IPC.

2. The learned counsel for the petitioner submitted that the dispute 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 petitioner. He further submitted that the *de facto* complainant foisted a false against the petitioners. ***Per contra***, learned Additional Public Prosecutor representing the State submitted that the allegations made in the complaint *prima facie* constitute the offences alleged to have been committed by the petitioner; therefore, it is not a fit case to grant pre arrest bail to the petitioner.

3. The case of the prosecution is that the petitioner along with accused No.4 executed a gift deed in favour of accused No.1 on 23.4.2012 by obtaining false certificates from Revenue officials in respect of an extent of Acs.0.50 cents situated at Door No.27-2-7/8 of Laxminagar, B.C. Colony, Tenali. Accused No.1 in turn sold the property to some other persons. The case of the *de facto* complainant is that the property in question belongs to his family and his father had executed Will bequeathing the subject property in his favour vide document No.167/2008.

4. The petitioner filed CrI.M.P. No.1145 of 2017 on the file of the Court of XI Additional District and Sessions Judge, Tenali, under Section 438 of Cr.P.C., and the same was dismissed on 14.6.2017.

5. Whether the petitioner is the owner of the property or not will come to light during the course of investigation. The learned counsel for the petitioner submitted that the *de facto* complainant filed LGOP No.505 of 2015 on the file of the Land Grabbing Court, Guntur against the petitioner and others. It is not in dispute that the petitioner is one of the executants of the gift deed dated 23.4.2012. A perusal of the record *prima facie* reveals the role played by the petitioner in commission of the alleged offence.

6. Taking into consideration the gravity of the offence alleged to have been committed by the petitioner, this Court is of considered view that it is not a fit case to grant pre arrest bail to the petitioner.

7. Accordingly, the criminal petition is dismissed.

T.SUNIL CHOWDARY, J

August 29, 2017
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