

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5408 of 2017

ORDER:

This criminal petition is filed, by the petitioners-accused Nos.1 and 2, under Section 438 Cr.P.C., seeking pre arrest bail in Crime No.136 of 2017 on the file of the Station House Officer, Pet Basheerabad Police Station, Cyberabad, registered for the offences punishable under Sections 447, 427, 468, 471, 419 and 420 read with 34 of IPC.

2. The learned counsel for the petitioners submitted that first petitioner purchased the property from the *de facto* complainant under a registered sale deed dated 06.2.2015 and sold the same to the second petitioner under a registered sale deed dated 16.5.2016. He further submitted that the *de facto* complainant herself came to the Registrar Office and executed the sale deed in favour of first petitioner and taken 'U' turn, for the reasons best known to her. He further submitted that even if the allegations made in the complaint are *ex facie* taken to be true and correct, no *prima facie* case is made out against the petitioners for the alleged offences; therefore, it is a fit case to grant pre arrest bail to the petitioners. ***Per contra***, learned Additional Public Prosecutor representing the State submitted that first petitioner obtained sale deed dated 06.2.2015 in his favour by impersonation and the photo affixed on the sale deed does not belong to the *de facto* complainant. He further submitted that the petitioners created sale deeds dated 06.2.2015 and 16.4.2016, with an ulterior motive, to grab the property of the *de facto* complainant; therefore, it is not a fit case to grant pre arrest bail to the petitioners.

3. Smt.K.Lakshmi Kamala Kumari is the *de facto* complainant. It is the case of the prosecution that the *de facto* complainant purchased Plot No.66 admeasuring an extent of 216 Sq.yards situated at Krishna Murthy Nagar, Quthbullapur, Jeedimetla Village, Medchal Taluq, Ranga Reddy District, under a registered sale deed dated 02.6.1980. Ever since, she has been in possession and enjoyment of the same. It is the further case of the prosecution that first petitioner created a sale deed dated 06.2.2015 as if the same was executed by the *de facto* complainant. Thereafter, the first petitioner executed sale deed dated 16.5.2016 in favour of second petitioner. The gist of the allegations made in the complaint is that the petitioners, with an ulterior motive to grab the property of the *de facto* complainant, created the sale deeds.

4. The petitioners filed CrI.M.P. No.1647 of 2017 on the file of the Court of IV Additional Metropolitan Sessions Judge, Ranga Reddy District at L.B. Nagar, under Section 438 of Cr.P.C., and the same was dismissed on 11.5.2017.

5. The learned Additional Public Prosecutor, by producing a copy of the sale deed dated 06.2.2015, submitted that the photo affixed on the sale deed does not belong to the *de facto* complainant. A perusal of the record reveals that the Investigating Agency obtained thumb marks of the *de facto* complainant and sent the same to Finger Prints Bureau for comparison. A perusal of the record *prima facie* reveals the role played by the petitioners in commission of the alleged offence. The record further reveals that the investigation in progress.

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

7. In the result, the criminal petition is dismissed.

T.SUNIL CHOWDARY, J

August 18, 2017
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