

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.2157 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 petitioner, who is A-1 in Crime No.31 of 2017 of Mandamarri Police Station, Ramagundam, for the offences punishable under Sections 120-B, 420, 467, 468, 447 read with 34 of the Indian Penal Code, 1860 (for short, "IPC"), seeking a direction against the Station House Officer, Mandamarri Police Station, Ramagundam, to release the petitioner on bail in the event of his arrest in connection with the above crime, apprehending her arrest.

2. The case of the prosecution, in brief, is that the *de facto* complainant, Shahajana Begum, W/o. Yousuf Khan, lodged a complaint alleging that she is the owner of land admeasuring an extent of Ac.18.23 guntas, Ac. 14.20 guntas, Ac.16.30 guntas, Ac.15.30 guntas & Ac.26.13 guntas, in Survey Nos.103/15, 103/16, 103/17, 103/18, 103/21, situated at Andugulapeta Shivar. The *de facto* complainant further stated that she had purchased the said land along with one Metpalli Sukanya under a joint Sale Deed. While so, on 15.02.2017, one P. Srinivasa Rao 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 and hence, prayed the police to take necessary action against the petitioner.

3. The contention of the petitioner is that the petitioner is an employee in Singareni Collieries and that he is a *bona fide* purchaser for valuable consideration, thereby he cannot be made criminally liable for the offences punishable under Sections 120-B, 420, 467, 468, 447 read with 34 IPC.

4. Learned counsel for the petitioner contended that the dispute is civil in nature and taking advantage of the situation, the police are trying to arrest the petitioner in the above crime for the offences punishable under Sections 120-B, 420, 467, 468, 447 read with 34 of IPC. The petitioner produced the photostat copy of the Sale Deed, dated 22.02.2014, obtained by him from the *de facto* complainant Shahajana Begum, W/o. Yousuf Khan, evidencing purchase of land to 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 whether who signed on the document as executant. At this stage, it is difficult for me to conclude *prima facie* that the *de facto* complainant 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 under

execution of a document by misrepresentation. Denial of execution of Sale Deed in favour of the petitioner is the matter required to be investigated into and at this stage, it is difficult for me to conclude *prima facie* that the petitioner did commit no offence and that too the investigation is in the midway. If the petitioner is 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 petitioner 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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