

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8037 of 2017

ORDER:

This criminal petition is filed, by the petitioner-accused No.2 under Section 438 Cr.P.C., seeking pre arrest bail in Crime No.878 of 2017 on the file of the Station House Officer, KPHB Colony Police Station, Cyberabad, registered for the offences punishable under Sections 420, 406, 471, 474 read with 34 IPC.

2. Learned counsel for the petitioner submitted that the petitioner, as per the directions of her husband, i.e., A1, executed a sale deed in favour of the *de facto* complainant. 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 petitioner. ***Per contra***, learned Additional Public Prosecutor representing the State submitted that the allegations made in the complaint *ex facie* constitute the offences alleged to have been committed by the petitioner. He further submitted that it is not a fit case to grant pre-arrest bail in view of pendency of investigation.

3. The case of the prosecution is that the petitioner along with A1 and A3 induced the *de facto* complainant to purchase the plots bearing Nos.9 to 13 in an extent of 1000 square yards situated in Survey No.100(B) of Nizampet village for a sale consideration of Rs.1.00 Crore. Believing the words of the petitioner and other accused, the *de facto* complainant purchased the land covered under registered sale deed dated 05.05.2016 for a valuable consideration of Rs.1.00 Crore. The gist of the allegations made in

the complaint is that the petitioner herein along with other accused cheated the *de facto* complainant by forging the documents.

4. A perusal of the record reveals that accused No.1 executed a General Power of Attorney in favour of the petitioner/A2 on 06.02.2015 in respect of plot Nos.9 to 13 in an extent of 1000 square yards situated in Survey No.100-B of Nizampet village. The petitioner along with her husband executed a sale deed dated 05.05.2016 in favour of the *de facto* complainant after receiving an amount of Rs.1.00 Crore in respect of an extent of 1000 Sq. Yards, which is not in existence, with an ulterior motive to deceive the *de facto* complainant. A perusal of the record *prima facie* reveals that the petitioner is one of the executants of the sale deed dated 05.05.2016 and the role played by her in the commission of offence.

5. Taking into consideration the gravity of the offence alleged to have been committed by the petitioner 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 petitioner.

6. In the result, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

21st September, 2017

Rns