

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.1147 OF 2017

ORDER:

This Criminal Petition is filed under Sections 438 of Cr.P.C. to enlarge the petitioner on bail in Crime No.1182 of 2016 of Banjara Hills Police Station, Hyderabad, in the event of his arrest, registered for the alleged offences punishable under Sections 420, 406, 468, 471 and 506 of I.P.C. apprehending arrest in the above crime.

Petitioner herein is accused in the above crime.

The case of the prosecution, in brief, is as follows.

Petitioner filed suit in O.S.No.2435 of 2016 before XXI Junior Civil Judge, City Civil Court, Hyderabad, obtained injunction in I.A.No.202 of 2016 contending that he received legal notice calling upon him to vacate and hand over vacant possession of the property. Petitioner stated that the said suit O.S.No.2435 of 2016 is filed against A.Yuva Raj including the defacto complainant and he received a threat to dispossess, in spite of registered notice and thereafter, he took steps to call upon him to produce the document but he did not produce, thereupon he filed W.P.No.44768 of 2016 seeking a direction against the Station House Officer, Banjara Hills Police Station, Banjara Hills, Hyderabad-3rd respondent therein, to declare the action of the 3rd respondent in interfering with the civil disputes between the petitioner and the respondents 4 to 7, as illegal and arbitrary and this court disposed of the said writ petition on 21-12-2016 directing the said Station House Officer-3rd respondent

not to interfere with the civil dispute between the petitioner and the unofficial respondents. But later, the defacto complainant lodged the present complaint with the police making serious allegations against the petitioner that the petitioner altered the month into year for payment of rent.

The main contention of the petitioner is that defacto complainant did not produce any original lease deed allegedly executed by the petitioner in favour of the defacto complainant but he produce only photo stat copy of the same containing certain alterations.

But in the absence of production of original document, it is difficult for this court to come to a conclusion that the petitioner did commit no offence, prima facie, and hence, the petitioner can be enlarged on bail as he is apprehending his arrest in the above crime.

The learned Public Prosecutor for the State of Telangana has produced the entire Case Dairy including photo stat copy of lease deed between the petitioner and the defacto complainant and on the strength of the same, it is contended that the lease deed was altered conveniently to file the suit and obtain interim order. He also further contended that so far, the statement of one Satyanarayana was recorded by the police during investigation and police seized photo stat copy of the lease deed and thus, investigation is in midway and thereby, the petitioner cannot be enlarged on bail as there is every possibility of interfering with further investigation.

As seen from the material on record, dispute is with regard to lease deed where the lease was in English Calendar Year and English Calendar month but in photostat copy of the same seized by the Investigating Agency during investigation, there are certain corrections not initiated by any of the parties to the lease deed or scribe of the document. It is apparent from corrections or interpolations made in page No.2 of the lease deed. There is an alternation which is not initiated by any one. It is a registered lease deed. But the contention of the petitioner is that he did not alter any of the terms of the lease deed and the defacto complainant has to produce original lease deed before the court to satisfy this court but there is prima facie material to conclude that the petitioner has committed the offences alleged against him. When the lease deed is altered, nothing prevented the petitioner to obtain certified copy of it and place before the court to find out whether the correction was made even before registration of the present document produced before this court, but, conveniently, petitioner avoided to produce certified copy of the lease deed registered with Registration Office. Obviously, for certain reasons, he did not produce the copy of the registered lease deed to satisfy the court that there was no alteration in the lease deed executed by the petitioner.

Therefore, material on record prima facie shows that petitioner committed the alleged offences punishable under sections referred supra and apart from that, investigation is not yet completed and hence, there is every possibility of interference by the petitioner with

further investigation in the event of enlarging him on bail in the above crime.

In view of the facts and circumstances of the case and failure of the petitioner to produce even a certified copy of the lease deed, it is difficult to grant pre-arrest bail to the petitioner at this stage and as such, this petition is liable to be dismissed.

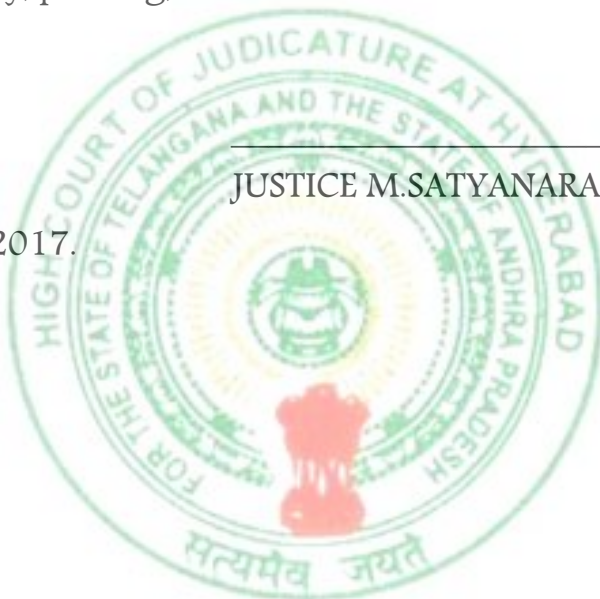
Accordingly, this Criminal Petition is dismissed.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE M.SATYANARAYANA MURTHY

Dated 16-2-2017.

Dvs.



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Dvs