

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION NO.5579 OF 2017

ORDER:

Petitioner, who is A1 in Cr.No.797 of 2016 on the file of Station House Officer, L.B. Nagar L & O Police Station, Cyberabad, Ranga Reddy District, registered for the offences punishable under Sections 420 and 506 r/w 34 IPC, filed this petition under Section 438 Cr.P.C. seeking anticipatory bail.

2. Learned counsel for the petitioner strenuously 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. She further submitted that the petitioner did not execute the sale deed in favour of the husband of the *de facto* complainant; therefore, she has no right whatsoever to claim the property, basing on the G.P.A.-cum-sale vide document Nos.513, 514 and 515, dated 15.7.1988. She further submitted that the petitioner cancelled the G.P.A., executed in favour of the husband of the *de facto* complainant, in the year 1989, which fact falsifies the case of the *de facto* complainant. She further submitted that the petitioner is a physically handicapped person and therefore, he is entitled for pre-arrest bail. **Per contra**, learned Additional Public Prosecutor representing the State submitted that the petitioner executed a registered G.P.A. in favour of Parvesh Chander Kakkar vide G.P.A. document No.513 of 1998 and GPA document No.514 of 1988 in respect of plot Nos.353, 360 and 354 to 359 admeasuring 1602 square yards, situated at Tummabowli village, Saroornagar Mandal, Ranga Reddy District. He further submitted that the allegations made in the complaint *prima facie* constitute the offences alleged to have been

committed by the petitioner and the petitioner involved in number of criminal cases; therefore, he is not entitled for anticipatory bail.

3. The facts leading to filing of the present petition are briefly as follows: Originally the petitioner herein purchased an extent of 4806 square yards in Sy.No.12 of Tumma bowli village, Saroornagar Mandal, Ranga Reddy District from T.Srinivasulu and others under a registered sale deed, dated 09-06-1988. The petitioner executed a registered G.P.A. in favour of Parvesh Chander Kakkar, vide G.P.A. document No.513 of 1998 and GPA document No.514 of 1988 in respect of plot Nos.353, 360 and 354 to 359 admeasuring 1602 square yards, situated at Tumma bowli village, Saroornagar Mandal, Ranga Reddy District. The said Parvesh Chander Kakkar on behalf of the petitioner executed a deed of trust, on 12-08-1988, in favour of himself and Lata Sharma as founder trustees of Dwarakanath Kakkar Trust.

4. The petitioner filed CrI.M.P.No.1639 of 2017 on the file of the XIV Metropolitan Sessions Judge, Cyberabad, L.B. Nagar, Hyderabad, under Section 438 Cr.P.C. seeking anticipatory bail and the same was dismissed by order, dated 04-05-2017.

5. A perusal of the record reveals that the petitioner is not disputing the execution of G.P.A. in favour of the husband of the *de facto* complainant on 15.7.1988. The case of the petitioner is that he cancelled G.P.A. executed in favour of the husband of the *de facto* complainant in the year 1989. The material placed before this court reveals that the petitioner faced the trial in C.C.No.799 of 2014 on the file of the II Metropolitan Magistrate, L.B. Nagar, Rachakonda, for the offences punishable under Sections

468, 447 and 420 IPC. The petitioner and the *de facto* complainant entered into compromise before the Lok Adalat. The petitioner herein has given an undertaking before the Lok Adalat that he will not claim any property from the *de facto* complainant. It is the further case of the prosecution that the petitioner having entered into compromise with the *de facto* complainant executed a sale deed in favour of accused No.2, on 20.04.2015, in respect of part of the property covered under G.P.A. The material placed before the Court *prima facie* reveals the role played by the petitioner in the commission of offence. A perusal of the record reveals that investigation is in progress.

6. Learned counsel for the petitioner as well as the learned Additional Public Prosecutor submitted that A2 was arrested and released on bail.

7. Taking into consideration the nature of the offences alleged to have been committed by the petitioner and the stage of investigation, I am of the considered view that it is not a fit case to grant bail to the petitioner at this stage.

8. Accordingly, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

DATED: 18-08-2017.

Hsd