

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION Nos.11043 AND 11047OF 2017

COMMON ORDER:

These Criminal Petitions are filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioners-A.1, A.3 and A.4 in Crime No.758 of 2017 of Rachaknoda Police Station, registered for the offences punishable under Sections 420, 468, 471 I.P.C. r/w Section 34 I.P.C.

2. Heard Sri U.V. Suresh Kumar, learned counsel for the petitioners-A.1, A.3 and A.4, and the learned Additional Public Prosecutor appearing for the respondent-State, apart from perusing the material available on record.

3. The learned counsel for the petitioners-A.1, A.3 and A.4 would submit that the name of the petitioner-A.1 is not found in the first information report; the petitioners-A.3 and A.4 are implicated in this case pursuant to the confession made by A.2; the disputed property is situated at Adibatla village and town; a suit in O.S. No.1093 of 2017 filed by A.2 is pending on the file of the VIII Additional District Judge, Ranga Reddy District; the petitioners are not responsible for the offences under Sections 420, 468, 471 I.P.C. r/w Section 34 I.P.C.; the allegation is that the petitioners-A.3 and A.4 signed as witnesses to the agreement dated 09.08.2017; the agreement was executed by the *de facto* complainant in favour of A.2, who was arrested by the police; the petitioners have permanent

residence; they are apprehending arrest in this crime; and ultimately, prayed to allow the bail applications.

4. On the other hand, learned Additional Public Prosecutor appearing for the respondent-State opposed the grant of bail to the petitioners-A.1, A.3 and A.4 under Section 438 Cr.P.C.

5. The material on record reveals that the *de facto* complainant purchased Acs.11-26 guntas of land in Sy.No.326 of Mangalpally village, Ibrahimpatnam Mandal, Ranga Reddy District, under a registered AGPA dated 10.07.2017, Document No.4471/2017 from the original owner-Saleh Bin Abood Nahdi and another and he is in possession and enjoyment of the same. On 22.10.2017, he received summons from the Court in I.A. No.760 of 2017 in O.S. No.1093 of 2017 filed by A.2 pending on the file of the VIII Additional District Judge, Ranga Reddy District. On enquiry, he came to know that the petitioners along with A.2 fabricated an agreement of sale and receipt dated 09.08.2017 by forging the signature of the *de facto* complainant. There is record to show that the petitioner-A.1 got registered agreement of sale in the name of A.2 in respect of the land belonging to the *de facto* complainant in the presence of the petitioners-A.3 and A.4. The petitioners-A.3 and A.4 alleged to have attested the forged document. The petitioners herein and A.2 conspired together and forged land documents in order to illegally occupy and grab the land belonging to the *de facto* complainant. It is also alleged that the petitioners-A.3 and A.4 are land grabbers. The petitioner-A.1 and A.2 committed forgery and

indulged in fabrication of the documents with active collusion with the petitioners-A.3 and A.4. The petitioners-A.3 and A.4 signed the forged documents as attesting witnesses knowingly that those documents are forged one for monetary consideration. The allegations are grave and serious in nature. The element of cheating and personation are present. Therefore, it cannot be said that the petitioners are innocent persons and falsely implicated in this crime. The matter requires thorough investigation. The release of the petitioners would hinder the investigation. There is possibility of the petitioners causing disappearance of the material evidence. Therefore, it is not a fit case to grant bail to the petitioners-A.1, A.3 and A.4 under Section 438 Cr.P.C.

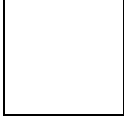
6. In the result, both the Criminal Petitions are dismissed. As a sequel, miscellaneous petitions, if any, pending in these Criminal Petitions shall also stand dismissed.

Dr. SHAMEEM AKTHER, J

Date: 05-12-2017.

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