

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11444 OF 2017

ORDER:

This Criminal Petition, under Section 438 of Cr.P.C., is filed by the petitioners/A.2 and A.3, seeking anticipatory bail in the event of their arrest in connection with F.I.R. No.308 of 2017, on the file of Duvvada Police Station, Visakhapatnam city, registered for the offences under Sections 420, 471 and 506 R/w. 34 I.P.C.

Heard the learned counsel for the petitioners/A.2 and A.3, learned Additional Public Prosecutor appearing for the respondent-State, and perused the record.

Learned counsel for the petitioners would submit that the petitioners have not threatened the *de-facto* complainant; they are not responsible for any offence; a false case is registered against them. A.1 has mediated for registration of the sale deed in favour of the *de-facto* complainant *vide* document No.408 of 2014 dated 24.02.2014. The petitioners herein are no way connected with the dispute. The allegations in the First Information Report lodged with the Police are mainly against A.1 and ultimately prayed to allow this Petition.

Learned Additional Public Prosecutor appearing for the respondent-State opposed grant of bail to the petitioners/A.2 and A.3.

As per the material on record, A.1 and A.2 are the father and son; A.3, owner of the land, executed G.P.A. in favour of A.2; thereafter, A.1 and A.2 were introduced to the *de-facto* complainant by their common friend; subsequently, A.1 and A.2 sold the landed property to an extent of Ac.207.77 Sq. yards in Survey No.32/13 of Aganampudi village of

Gajuwaka Mandal, having received a sale consideration of Rs.16,00,452/-. The sale deed is registered in favour of the *de-facto* complainant *vide* document No.408/2014. When the *de-facto* complainant verified the subject plot registered in his name, he found some other persons in possession of the subject plot; thereafter, the *de-facto* complainant with the help of a private surveyor got measured the plot, identified the plot which is situated in Survey No.32/15 but not in Survey No.32/13. When the *de-facto* complainant asked for return of the money, it was not repaid and he was threatened.

It goes to show that the plot of some other person was shown to the *de-facto* complainant and obtained an amount of Rs.16,00,452/- and than was registered in his favour *vide* a registered document by A.1 and A.2. There is also role of A.3 in executing G.P.A. in favour of A.2, though the plot in Survey No.32/15, showing it in Survey No.32/13. The element of cheating is present in this case. The allegations are grave; the matter requires examination. In view of the circumstances, it is not a fit case to enlarge the petitioners/A.2 and A.3 on bail under Section 438 Cr.P.C.

Hence, the Criminal Petition is dismissed.

Dr. SHAMEEM AKTHER, J

Date: 30.11.2017.
Dsh

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211



CRIMINAL PETITION No. 11444 OF 2017

Date. 30.11.2017

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