

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.10120 of 2017

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioners/accused Nos.1 and 2, for grant of anticipatory bail in the event of their arrest in Crime No.195 of 2017 on the file of the Mailardevpally Police Station, Cyberabad, registered for the offences punishable under Sections 420, 468, 471, 447 of I.P.C.

2. Heard the learned counsel for the petitioners/accused Nos.1 and 2, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The learned counsel for the petitioners/accused Nos.1 and 2 would submit that the petitioners/accused Nos.1 and 2 are falsely implicated in this case. Their names are not found in the First Information Report. They have nothing to do with the agreements entered between the other accused. They have no role to play in the commission of the alleged offences. The documents in question are public documents and the certified copies of the said documents can be procured from the Sub-Registrar concerned. There is no involvement of the petitioners/accused Nos.1 and 2 in the alleged crime and they are innocent. The entire investigation is completed. Custodial interrogation is not necessary. The petitioners/accused Nos.1 and 2 may be granted anticipatory bail.

4. The learned Additional Public Prosecutor opposes for grant of anticipatory bail to the petitioners/accused Nos.1 and 2 stating that the 1st petitioner/accused No.1 is the person who fabricated the documents of the deceased Sharma and registering the plot No.507/2 in favour of two persons, i.e., accused Nos.6 and 7. The petitioners/accused Nos.1 and 2 have definite role in the commission of the offence. They are required for the purpose of investigation. It is not a fit case to grant anticipatory bail to the petitioners/accused Nos.1 and 2.

5. Now the point for determination is whether the petitioners/accused Nos.1 and 2 are entitled for anticipatory bail.

6. As per the material placed on record, the original owner of plot No.507/2, by name Sharma, expired long back. There is record to show that the 1st petitioner/accused No.1 had created Aadhar Card, Identity Card and PAN Card of the deceased Sharma and hatched a plan to sell the property in favour of accused Nos.6 and 7, by employing the other accused. With the help of said documents, the above plot was divided into two pieces and two different sale deeds were registered in favour of accused Nos.6 and 7. Accused No.1 has also distributed the money received by him, i.e., he paid Rs.5,000/- to accused No.7, who in turn handed over the said amount to accused No.8. It appears that specific role has been played by the petitioners/accused Nos.1 and 2 in fabricating the false documents and registering the said plot in favour of accused Nos.6 and 7, having come to know that the original owner Sharma died long back. Under these

circumstances, the matter requires to be investigated. The investigation is under progress. Earlier when a bail application by these petitioners was filed before the Court of Sessions, the same was dismissed on 17.04.2017. In view of the gravity of the offences and as there is a role of the petitioners/accused Nos.1 and 2 in the commission of the alleged offences, this Court is not inclined to grant anticipatory bail to the petitioners/accused Nos.1 and 2.

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

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

31st October, 2017
Bvv

