

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11573 OF 2017

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed by the petitioner/accused No.4, for grant of anticipatory bail in the event of his arrest in connection with Crime No.828 of 2016 on the file of Uppal Police Station, Cyberabad, registered for the offences punishable under Sections 420, 406, 468 and 471 I.P.C.

2. Heard learned counsel for the petitioner/accused No.4, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The learned counsel for the petitioner/accused No.4 would submit that the petitioner is an innocent person and falsely implicated in this case. The petitioner was the tenant of accused No.2. At the request of accused No.2, he attested the sale deed, dated 05.03.2015, as witness No.2. He is not aware of the falsification/fabrication of the document. Except the said allegation, there is no other allegation against the petitioner and ultimately, prayed to allow the application.

4. The learned Additional Public Prosecutor opposed the grant of bail to the petitioner/accused No.4.

5. It is not in dispute that the petitioner/accused No.4 is the attester of the registered sale deed, dated 05.03.2015. The submission is that the petitioner is not aware of the ownership of the

land in Survey No.118 situated at Uppal Khalsa Village. As per the record placed before this Court, accused No.1 borrowed an amount of Rupees five crores from the *de facto* complainant bank to run rice mill business. Accused No.1 filed number of documents relating to the land in Survey No.118 and the documents are proved to be fabricated and forged documents. It is also observed that there is no land in Survey No.118 of Uppal Khalsa Village. The executant of the document is also not the owner. There are also allegations that the loan documents were created by the other accused and the petitioner herein. The matter requires thorough investigation. It cannot be said that the petitioner simply being a tenant of accused No.2 attested the subject sale deed. The allegations are grave. The release of the petitioner would hinder the investigation. There is possibility of causing disappearance of material evidence. Further, other accused are not arrested and the investigation is in progress. Under these circumstances, the petitioner is not entitled for bail under Section 438 Cr.P.C.

6. Accordingly, the Criminal Petition is dismissed.

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

Dr. SHAMEEM AKTHER, J

December 04, 2017
MD

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