

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.5439 of 2018

ORDER :

This criminal petition filed under Section 438 Cr.P.C. by the petitioners/A.1 and A.2 in Crime No.60 of 2018 of Keesara Police Station, Ranga Reddy District, registered for the offences punishable under Sections 419, 420, 465, 468 and 471 read with 34 IPC.

2. Heard learned counsel for the petitioner and perused the material on record.

3. Learned Public Prosecutor, representing the State, who opposed the bail application saying the petitioner/A.1 is involved in similar other Crime No.72 of 2018 of Keesara Police Station as per the case diary.

4. The contentions in the anticipatory bail application are that the very private complaint averments as if K.G.Narayana Swamy expired on 06.11.1977 is not correct, there is a G.P.A.-cum-sale agreement executed by said Narayana Swamy on 22.01.2018, vide G.P.A.No.456 of 2008, in favour of the 1st petitioner/A.1/M.Venkat Reddy S/o.Timma Reddy and it is said Timma Reddy executed the sale deed, dated 29.10.2012, in the name of his wife/the 2nd petitioner/Smt.M.Vijay Kumari and she is a bonafide purchaser. In fact, from the very private complaint averments, the said K.G.Narayana Swamy died on 06.11.1977, leaving behind his wife-Vijayalaxmi and two sons, namely K.N.Sundaresh and

K.N.Venkatesh, and even said Vijayalaxmi died on 04.12.2001 though the two sons were alive till 2016-2017 later they also passed away. Once such is the case, on its face it clearly shows the very G.P.A.-cum-Sale agreement registered is shown as if a dead person alive in execution and the execution of the sale deed by husband-so-called G.P.A. holder in favour of his wife, who are petitioners herein, is on its face shows anything to say that they are privy to the crime. What is the so-called voters identity card in the name of K.E.Narayana Swamy S/o.K.E.Gopalaswamy Iyer, showing issued in 2003, to say that the said Narayana Swamy alive is unbelievable. The private complaint averments show the name of the said Narayana Swamy is one K.G.Narayana Swamy and not K.E.Narayana Swamy. Even otherwise by showing some voters identity card, there is nothing in the absence of any other proof shown if alive as on date. Thus, there is nothing to disbelieve the private complaint averments prima facie shows death of K.G.Narayana Swamy in 1977 and basis for the accusation, for which the crime registered against the petitioners. Hence, the petitioners does not deserve the concession of anticipatory bail.

5. Accordingly and in the result, the criminal petition is dismissed.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

15th June 2018.
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