

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.10920 OF 2018

ORDER:

This Criminal Petition is filed by the petitioner-A.3 under Section 438 of Cr.P.C. to grant him anticipatory bail in Crime No.164 of 2018 of Central Crime Station, Hyderabad, registered for the offences punishable under Sections 420, 406, 409, 464, 468, 471, 120B I.P.C.

2. Heard both sides and perused the material available on record.

3. The learned counsel for the petitioner-A.3 would submit that on a false report given by the Deputy Executive Engineer working in Telangana Housing Board, the subject crime is registered and under investigation; the petitioner-A.3 has nothing to do with the alleged offences, he was falsely implicated in this case and he is innocent person; the petitioner-A.3 is not aware of the registration of the sale certificate; A.1 executed the said certificate of sale transferring valuable property of the Telangana Housing Board to others and A.2 presented the said document for registration in favour of Surender Singh and others vide document No.6156/2016 dated 17.10.2016 and the petitioner-A.3 is not involved in these transactions; the entire material collected by the investigating agency do not constitute the offences alleged against the petitioner-A.3; and ultimately, prayed to allow the bail application.

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

5. The material placed on record reveals that the petitioner-A.3 and other employees working in Housing Board fraudulently executed and registered a sale certificate for a consideration of Rs.19,25,550/-, vide document No.6136/2016 dated 17.10.2016, in favour of Sunder Singh and others. Immediately on the same day, the claimants executed another sale deed alienating the property covered by document No.6136/2016 to one Mohammed Khalif Shareef for a consideration of Rs.3,05,94,500/-. Further, the sale consideration of Rs.19,25,000/- said to have been received from Sunder Singh and others is not accounted for. The execution of document No.6136/2016 is in violation of conditions laid in G.O.Ms. No.46 dated 02.07.2005. There was no extension of scheme incorporated in G.O.Ms. No.46 dated 02.07.2005. There is specific accusation against the petitioner-A.3 for the offences alleged. The petitioner-A.3 along with A.1 and A.2 indulged in execution and registration of the sale certificate transferring the property in favour of Sunder Singh and others for a sale consideration of Rs.19,25,550/- without there being any authority. As per the record, several irregularities were committed by this petitioner-A.3 along with other accused in execution and registration of sale certificate. The petitioner-A.3 is one of the key persons in execution and registration of the sale certificate. The allegations made against the petitioner-A.3 constitute the offences under Sections 420, 406, 409, 464, 468, 471, 120B I.P.C. It cannot be said that there is no *prima facie* case against the petitioner-A.3 for the offences alleged. The allegations are grave. Therefore, it is not a fit case to allow the bail application of the petitioner-A.3 under Section 438 Cr.P.C.

6. In the result, this Criminal Petition is dismissed. As a sequel, interim stay of arrest of the petitioner-A.3 granted on 12.10.2018 shall

stand vacated and pending miscellaneous petitions, if any, in this Criminal Petition shall also stand dismissed.

Dr. SHAMEEM AKTHER, J

Date: 06-11-2018

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