

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11118 OF 2018

ORDER:

This Criminal Petition is filed by the petitioner-A.2 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.2 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 *de facto* complainant with an intention to harass the petitioner-A.2, falsely implicated in this case; the petitioner-A.2 has nothing to do with the alleged offences and he is innocent person; the entire material collected by the investigating agency do not constitute the offences alleged against the petitioner-A.2; the petitioner-A.2 is only acted upon the proceedings Letter No.14862/LR 219/F5/1968 dated 17.10.2016 issued by A.1 and presented the said document for registration on the instructions of his superior officer, i.e., accused No.1; 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.2 under Section 438 Cr.P.C.

5. The material placed on record reveals that the petitioner-A.2 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 no other order or regulation empowering the petitioner-A.2 to present the subject document for registration. The contention of the petitioner-A.2 is that pursuant to the proceedings Letter No.14862/LR 219/F5/1968 dated 17.10.2016 issued by A.1, he presented the document for registration. When A.1 has no authority to issue such a letter to get registered the sale certificate, having fully aware of competency of A.1 with regard to issuing of said letter in collusion with the other accused, this petitioner-A.2 had registered the subject sale certificate, wherein 1000 square yards of land belonging to the Housing Board was alienated. As per the record, several irregularities were committed by this petitioner-A.2 along with other accused in execution and registration of sale certificate. No procedure had been followed. Though there is a building in the subject plot, wherein a school is running, it was registered as an open plot. The contention of the petitioner-A.2 that he acted on a letter issued by A.1 has no substance. The allegations made against the petitioner-A.2 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.2 for the offences alleged. The allegations are grave. Therefore, it is not a fit case to allow the bail application of the petitioner-A.2 under Section 438 Cr.P.C.

6. In the result, this Criminal Petition is dismissed. As a sequel, miscellaneous petitions, if any, pending in this Criminal Petition shall also stand dismissed.

Dr. SHAMEEM AKTHER, J

Date: 06-11-2018

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