

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.12929 OF 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C), is filed by the petitioner/A.1, for grant of anticipatory bail in the event of his arrest in connection with Crime No.154 of 2018 of Thulluru Police Station, Guntur District, registered for the offence punishable under Section 420 read with 34 IPC.

2. Heard learned counsel for the petitioner/A.1, the learned Public Prosecutor appearing for the respondent-State and perused the record.

3. Learned counsel for the petitioner/A.1 would submit that the petitioner/A.1 is falsely implicated in this case in view of rivalry between him and his brother, who is the *de facto* complainant herein; that there is a Civil Suit in O.S.No.22 of 2014 on the file of Senior Civil Judge, Mangalagiri, pending among them; that the petitioner neither prepared the death certificate nor he has gained with that certificate and ultimately prayed to allow the application.

4. The learned Additional Public Prosecutor opposed the grant of bail to the petitioner/A.1 contending that as per the investigation, no certificate was issued by the authorities concerned; that the petitioner/A.1 is required for interrogation to find out from where the disputed death certificate originated and ultimately prayed to dismiss the application.

5. In view of submissions made by both sides, the point for determination whether bail can be granted to the petitioner/A.1 under Section 438 Cr.P.C.

6. As per the material placed on record, the death certificate of father of the petitioner/A.1 is said to have been filed O.S.No.22 of 2014 before the Senior Civil Judge, Mangalagiri. The authorities concerned gave information under Right to Information Act that no such certificate was issued by them. Now, the question is from what source the death certificate came into existence and the same is required to be investigated. Further, the petitioner/A.1 is required to be enquired / interrogated by the police concerned. As per the record, disputed death certificate is not genuine and the petitioner/A.1 is the key person in bringing the disputed death certificate of his father into existence. The allegations are specific and grave. It cannot be held that the petitioner is an innocent person and that the allegations alleged against him do not constitute an offence under Section 420 IPC. Therefore, the application is devoid of merit and is liable to be dismissed.

7. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions, if any, pending in this petition shall stand closed.

DR.JUSTICE SHAMEEM AKTHER

DECEMBER 19, 2018

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Date: 19.12.2018

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