

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WEDNESDAY, THE NINETEENTH DAY OF DECEMBER, TWO THOUSAND AND
EIGHTEEN
PRESENT :

THE HONOURABLE DR JUSTICE SHAMEEM AKTHER

CRL.P.No. 13307 of 2018

Between:-

- 1.Sri T.V. Subba Reddy, S/o. Late Sri T. Narasimha Reddy
- 2.Sri G. Krishna Reddy, S/o. Sri Rama Chandra Reddy

..... Petitioners/Accused Nos. 1 & 2.

AND

- 1.The State of Telangana, Rep. by its SHO, P.S. Uppal, Through
Public Prosecutor, High Court at Hyderabad.
- 2.Sri S.V. Surya Bhagavan, S/o. S.V. Ramana Murthy, Occ : Pvt. Employee,
R/o. 8-7-91/172, Hastinapuram South, Near New Amma Hospital,
Hyderabad -500 079.

.....Respondent/Complainant.

Petition filed under Section 438 of Cr.P.C. praying that in the circumstances stated in the Grounds of Criminal Petition, the High Court may be pleased to enlarge the petitioners on bail in the event of their arrest in connection with Crime No. 869 of 2018 on the file of P.S. Uppal.

This petition coming on for hearing, upon perusing the memorandum of grounds filed in support thereof and upon hearing the arguments of Sri Parsa Ananth Nageswar Rao, Advocate for the Petitioners and of Additional Public Prosecutor(TS) on behalf of Respondent-State, the Court made the following **ORDER :-**

"This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A.1 and A.2, for grant of bail in Crime No.869 of 2018 of Uppal Police Station, Rachakonda District, registered for the offences punishable under Sections 406, 419, 420, 423, 447 and 468 of IPC.

2. Heard the learned counsel for the petitioners/A.1 and A.2, the learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. Learned counsel for the petitioners/A.1 and A.2 would contend that the petitioners/A.1 and A.2 are developers and they entered into development agreement with regard to the subject land with the original owners, viz., G.Krishna Reddy and N.Anji Reddy, who purchased the said land under registered sale deeds. The allegation is that one Savitri obtained fake GPA and alienated the subject land. The *de facto* complainant filed O.S.No.177 of 2016 on the file of VIII Additional District Judge, Ranga Reddy for cancellation of said sale deeds. The petitioners are the developers of the subject disputed land. The executants of the development agreements viz., G.Krishna Reddy and N.Anji Reddy, who have title to the property contended that the *de facto* complainant filed a false report dated 12.09.2018 and ultimately, prayed to allow the petition.

Contd..2..

4. Learned Additional Public Prosecutor representing the respondent-State opposed the grant of bail to the petitioners/A.1 and A.2.

5. Admittedly, the petitioners have a registered development agreement in their favour executed by G.Krishna Reddy and N.Anji Reddy *vide* document No.4170/2015, dated 30.04.2015 in the offence of Joint Sub-Registrar, Uppal. Whether G.Krishna Reddy and N.Anji Reddy have title to the property or not is a matter to be decided in the pending civil suit in O.S.No.177 of 2016. As per the records, the petitioners have nothing to do with the GPA obtained by Savitri. Whether the GPA was obtained by Savitri from the lawful owner or not is also a question that would be determined in the civil suit. As per the records, GHMC accorded permission *vide* application No.26399/09/06/2015/HO in the year 2015. Under these circumstances, whether the allegations made against the petitioners/A.1 and A.2 constitute the offences punishable under Sections 406, 419, 420, 423, 447 and 468 of IPC is a matter of investigation or trial, as the case may be. Overall the dispute between the parties is civil in nature. Hence, the petitioners/A.1 and A.2 can be granted bail under Section 438 Cr.P.C.

6. Accordingly, the petitioners/A.1 and A.2 are directed to surrender before the Station House Officer, Uppal Police Station, Rachakonda District, within a period of 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioners/A.1 and A.2 on bail, on each of them executing a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties in a like sum each to his satisfaction. On such release, the petitioners/A.1 and A.2 shall report before the said Station House Officer, on every Sunday between 09:00 and 10:00 A.M., till filing of the charge sheet. The petitioners/A.1 and A.2 shall also abide by the conditions stipulated in Section 438(2) Cr.P.C., and shall cooperate with the investigating officer in investigation of the case.

7. In the result, the Criminal Petition is allowed.

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

//TRUE COPY//

Sd/- N.PURUSHOTHAM REDDY
ASSISTANT REGISTRAR

for ASSISTANT REGISTRAR

To

- 1.The III Metropolitan Magistrate, Cyberabad at L.B. Nagar.
- 2.The Station House Officer, Uppal Police Station, Rachakonda District.
- 3.Two CCs to the Public Prosecutor(TS), High Court at Hyd.(OUT).
- 4.One CC to Sri Parsa Ananth Nageswar Rao, Advocate(OPUC)
- 5.One spare copy.

TKK

HIGH COURT

DR.SA.J

DT.19-12-2018.



**ANTICIPATORY
BAIL ORDER**

CRLP .No. 13307 of 2018

**RELEASE THE PETITIONERS/ACCUSED NOS. 1 & 2
ON BAIL IN THE EVENT OF
THIER ARREST**