

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.24566 OF 2017

ORDER:

This Criminal Petition is filed by the petitioner/A.3 under Section 438 Cr.P.C. for grant of anticipatory bail to him in Crime No.83 of 2015 of Mulugu Police Station, Medak District, registered for the offences punishable under Sections 420, 468, 471, 472, 506 r/w 34 I.P.C.

2. Heard the learned counsel for the petitioner/A.3, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The learned counsel for the petitioner/A.3 would submit that the petitioner/A.3 has nothing to do with the alleged subject transactions and neither he is related to the *de facto* complainant nor to any other accused. The petitioner/A.3 has not received a single pie from the *de facto* complainant and his wife. All allegations are false. Charge sheet is already filed in this case and ultimately prayed to allow the application.

4. The learned Additional Public Prosecutor opposed for grant of bail to the petitioner/A.3.

5. The material on record reveals that the accused Nos.1 and 4 are distant relatives of *de facto* complainant. The petitioner/A.3 and other accused are conspirators and associates of accused Nos.1 and 4. There is specific mention in the complaint that the accused Nos.1 to 7 approached the *de facto* complainant on 20.05.2012 at his residence and attended some religious function on that date along with other persons. Thereafter, the petitioner/A.3 and other accused informed the *de facto* complainant that they are doing real estate business jointly and offered to sell Ac.8.20 gts. of land at Atchaipally Village of Mulugu Mandal. In that

process, the petitioner/A.3 and other accused collected an amount of Rs.76,18,000/- in total. Thereafter, the petitioner/A.3 and other accused visited the residence of the *de facto* complainant in February, 2013 and obtained the photographs of the *de facto* complainant and his children and also obtained their signatures and thumb impressions. After that, the petitioner/A.3 and other accused handed over four sale deeds to the *de facto* complainant and his children stating that those sale deeds were registered in the office of Sub-Registrar, Gajwel, Medak District. When the *de facto* complainant went to the Mulugu Mandal to physically inspect the properties, those sale deeds are found to be fabricated documents and the original owner did not sell the land concerned by 4 sale deeds.

6. There are specific and grave allegations against the petitioner/A.3 and there is also specific mention of his entering into agreement of sale and getting the money along with other accused in this case. The filing of charge sheet is not a ground to allow the petition. The gravity of the offence is very high, and therefore, it cannot be said that the petitioner/A.3 is an innocent person and falsely implicated in this case. It is not a fit case to allow the application under Section 438 Cr.P.C.

8. Accordingly, this Criminal Petition is dismissed.

Dr. SHAMEEM AKTHER, J

Date: 04-01-2018.

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