

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.1106 of 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.2 for grant of anticipatory bail in Crime No.897 of 2018 of Meerpet Police Station, Rachakonda Commissionerate, registered for the offences punishable under Sections 420, 468, 471 & 419 of IPC.

2. Heard Sri K.Venumadhav, learned counsel for the petitioner/A.2, Sri Ch.Ravinder, learned counsel for the de-facto complainant (who is permitted to be impleaded as 2nd respondent, vide order passed today in I.A.No.1 of 2019), the learned Additional Public Prosecutor representing the 1st respondent State and perused the record.

3. The learned counsel for the petitioner/A.2 would submit that the name of the petitioner/A.2 is not mentioned in the First Information Report. The petitioner/A.2 is a practicing advocate. He has nothing to do with the alleged forged registered sale deed. Further, no single document is collected in the course of investigation to show the participation of the petitioner/A.2 in the subject crime. All the allegations levelled against the petitioner/A.2 are false and ultimately prayed to allow the application.

4. On the other hand, the learned counsel for the 2nd respondent/de-facto complainant would contend that the de-

facto complainant is an old man. He purchased the subject property for the benefit of his children in the year 1986 and to his shocking surprise, he came to know about the registration of a false and fabricated sale deed. The petitioner/A.2 is the key player and responsible to get the forged document into existence in order to make unlawful gain and ultimately prayed to dismiss the application.

5. As per the material placed on record, there is record to show that the de-facto complainant purchased Plot No.347 admeasuring 300 square yards in Survey No.28 and 29 situated at Meerpet Village, under a registered sale deed No.11820/1986, dated 14.08.1986, from his vendor and has been in peaceful possession of the said plot. There is also record to show that A.3 in this crime is a cab driver and he developed acquaintance with the petitioner/A.2. There is also record to show that A.3 and the petitioner/A.2 were not making sufficient money to meet their necessities and hence, the petitioner/A.2, with the help of A.3 to A.5, got registered the subject plot belonging to the de-facto complainant, in favour of A.1. There is also record to show that A.4 impersonated the de-facto complainant in the forged registered sale deed. Pendency of O.S.No.2460 of 2018 on the file of Principal Senior Civil Judge, Ranga Reddy District at L.B.Nagar, to declare the title of the disputed property cannot be a ground to grant bail to the petitioner/A.2. There are specific and grave allegations against the petitioner/A.2, i.e., he indulged in fabricating the registered sale deed with the help of the other accused in this case. There is also record to show that the sale

proceeds were distributed among the petitioner/A.2 and the other accused. The allegations are heinous. The matter requires thorough investigation. It is not a fit case to grant bail to the petitioner/A.2 under Section 438 of Cr.P.C.

6. Hence, the Criminal Petition is dismissed.

Pending miscellaneous petitions, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

11th March, 2019
Bvv

