HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.2768 of 2019

O R D E R :

The present Criminal Petition under Section 438 of Cr.P.C. is filed by the petitioner/A.1 seeking anticipatory bail, in the event of his arrest in connection with Crime No.365 of 2017 of Shamirpet Police Station, Ranga Reddy District, registered against the petitioner/A.1 and others for the offences punishable under Sections 463, 415, 416, 417, 418, 420 and 120(B) of IPC and Section 156 (3) of Cr.P.C.

The case of the prosecution is that, on 18.09.2017 at about 15.00 hours, the police have received a referred complaint from the Court lodged by the defacto complainant stating that one Brigadier Ujjaldas Gupta, R/o. New Delhi, has purchased Plot No.42 of East City IV and subsequently made an application for transfer of said Plot No.42 to Plot No.10 of North City Enclave, that subsequently, the said Brigadier Ujjaldas Gupta made a request for surrendering and cancellation of Plot No.10 and also authorized one Lt.Col. P.C. Lahari to receive the entire amount with interest towards full and final settlement, that subsequently, the said Lahari has received the amount and Plot No.10 of North City Enclave, which was allotted to Brigadier Ujjaldas Gupta, was cancelled, that the complainant came to know that there is a fabricated and illegal Sale Deed bearing Document No.2262/2014 for Plot No.10 alleged to have been executed by Brigadier Ujjaldas Gupta in favour of petitioner/A.1 and when the same was brought to the notice of the said Brigadier Ujjaldas Gupta, he informed that he never executed any sale deed to anyone, that on further investigation, he came to know that the age of the said Brigadier Ujjaldas Gupta was wrongly shown and one fake identity card was created in the name of Brigadier Ujjaldas Gupta and also executed one Agreement of Sale cum GPA bearing Document No.2631/2014 in favour of one Udayagiri Veerraju/A.2 and then A.2 executed another Sale Deed bearing Document No.2952/2014 in favour of one Mutha Balaiah/A.3, registered in the office of Sub-Registrar, Shamirpet, that there is discrepancy in the signature of Brigadier Ujjaldas Gupta and forged documents were created in the name of the said Brigadier Ujjaldas Gupta, and hence requested to take necessary action. Basing on the same, the police have registered Crime No.365 of 2017 against A.1 to A.3 for the aforesaid offences.

Learned counsel for the petitioner/A.1 submits that in the year 2014, during the course of his business, the petitioner/A.1 has purchased Plot No.10 of North City Enclave, admeasuring 300 square yards, vide Document No.2262/2014, dt.14.07.2014 from the erstwhile owner for a valuable consideration, that thereafter due to ill-health the petitioner/A.1 has executed a registered Agreement of Sale cum General Power of Attorney in favour of Udayagiri Veerraju/A.2 in order to resale the said plot to the prospective purchasers vide Document No.2631/2014, dt.22.08.2014, who inturn sold the said plot to one Mutha Balaiah/A.3 vide Document No.2952/2014, dt.25.09.2014 and all the original Deeds were handed over to A.3 and presently A.3 is in peaceful possession and enjoyment of the said property. Learned counsel for the petitioner further contends that the petitioner/A.1 is a bonafide purchaser and he is not involved in any offence and he was falsely implicated in the present crime. It is contended that somebody from the company of the defacto complainant might have played fraud and got executed registered document in favour of the petitioner and in order to get rid of their mis-deeds, the present complaint has been lodged by making the petitioner a scapegoat. It is further contended that most part of investigation has already been completed and, therefore, tampering of any witnesses would not arise. It is also contended that the petitioner/A.1 is ready to abide by any of the conditions imposed by this Court and would cooperate with the investigation, if he is released on anticipatory bail in the event of his arrest in connection with the aforesaid crime.

On the other hand, the learned Additional Public Prosecutor appearing for the respondent State vehemently opposed the relief sought in the above application, stating that the petitioner/A.1 has played fraud by forging the signatures and got registered a sale deed in his name and within one month thereafter, he resold the said property for a valuable consideration, which shows the malafide intention of the petitioner/A.1 and hence the petitioner/A.1 is not entitled for grant of anticipatory bail.

Heard learned counsel for the petitioner/A.1 and the learned Additional Public Prosecutor appearing for the respondent State. Perused the material on record.

Admittedly, the record shows that a *prima-facie* case is made out against the petitioner/A.1, as the petitioner/A.1 with the active connivance of other accused, has played fraud by forging the signatures and got registered a sale deed in his name and within one month thereafter to gain more money from the said transaction, he resold the said property for a valuable consideration, which shows the malafide intention of the petitioner/A.1 along with other accused/A.2 and A.3. If the petitioner is released on anticipatory bail, there is every chance of tampering with the evidence and he may indulge in similar offences in future.

Therefore, by taking into consideration the nature of serious allegations made against the petitioner/A.1 and the gravity of offences, I am not inclined to grant anticipatory bail to the petitioner/A.1.

Accordingly, this Criminal Petition is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE G. SRI DEVI

13.06.2019.
Msr

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13.06.2016
Msr