HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.3528 of 2019

O R D E R :

This Criminal Petition under Section 438 of Cr.P.C. is filed by the petitioner, who is Accused No.1, seeking anticipatory bail in Crime No.82 of 2019 of Central Crime Station, Hyderabad, registered for the offences punishable under Sections 419, 420, 406, 465, 466, 467 and 471 of IPC r/w. Section 34 of IPC.

The case of the prosecution is that, on 18.04.2019 at 13.30 hours, the defacto complainant, who is the Assistant General Manager of SBI, RACPC, has lodged a complaint stating that the petitioner has approached the State Bank of India, Khairatabad Branch, Hyderabad, in October, 2018 for sanction of housing loan of Rs.55,00,000/- with an application along with necessary documents, that he submitted his monthly gross salary slip of Rs.80,618/- and requested for sanction of Rs.55,00,000/- for purchase of house property, that he submitted an Agreement of Sale dt.24.08.2018 executed by the vendor in his favour for sale of house property for a consideration of Rs.65,00,000/-, that he has already paid Rs.13,00,000/- towards advance, that after process of the loan documents, the RACPC, Banjara Hills, Hyderabad sanctioned housing loan of Rs.53,02,716/-

towards purchase of house and Rs.1,02,716/- towards insurance coverage under SBI Life Policy, for purchase of house property situated at Surya Nagar, Alwal Village, Malkajgiri Mandal, Ranga Reddy District, from Tula Sivaram Prasad, and issued Banker Cheque for Rs.51,92,700/- in favour of the vendor/owner, that later on sending the documents for supplementary legal opinion, the Advocate stated that the said documents were not matching with the name of the borrower/mortgager and on obtaining certified copy of the said document, to their shock and surprise, the names of the borrower and his vendor in document No.6347/2018 were not matching, including the original link, that the petitioner has submitted false and fake salary slips, that he suspects the role of Counsellor Krishna Rao in fabrication of documents and cheating, thus due to submission of fake and fraudulent documents, the total defrauded amount in the Bank comes to Rs.1,12,00,000/-, the present outstanding being Rs.92,60,000/- and hence, the petitioner along with other accused are involved in the cheating, criminal conspiracy, misrepresentation, forgery, impersonation and several other offences by playing fraud and requested to take necessary action. Basing on the said complaint, the police have registered the above Crime No.82 of 2019 for the aforesaid offences.

Learned counsel for the petitioner/A.1 contends that the petitioner has not committed any offence as alleged in the complaint and he has been falsely implicated in the above crime. It is also contended that the petitioner/A.1 was also cheated in the hands of A.2 and he came to know about the same after going through the contents of complaint and he himself is initiating criminal complaint against A.2. It is also contended that the petitioner/A.1 is a bonafide purchaser of the subject house property for a valuable consideration and paid an amount of Rs.1,00,000/- by way of cash and gave cheque dt.15.10.2018 for Rs.12,00,000/- to the owner of the said property. It is also contended that when the petitioner expressed his intention to approach a Bank for obtaining loan, A.2 himself brought one Krishna Rao/A.3, who is Home Loan Counsellor for SBI, who told that the said Krishna Rao will take care of home loan process and the petitioner is required to handover the required documents and salary slip etc., that the petitioner has handed over actual salary slip for Rs.39,483/- only and as his father was ready to adjust the balance amount, he specifically told to A.3 that he does not want any home loan and requested to return the documents submitted for the purpose of processing home loan, but A.2 and A.3 postponed the return of those documents. It is also contended that inspite of payment of entire sale consideration, the owner is postponing registration of regular sale deed in his favour. It is further contended that the petitioner 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 vehemently opposed the relief sought in the above petition.

A perusal of the contents of the complaint and the record discloses that the petitioner/A.1 has filed all forged and fabricated documents and salary slip for obtaining house loan fraudulently. Even in the FIR, it is alleged that the petitioner has forged his salary slip and agreement of sale fraudulently for obtaining bank loan and brought the sale deed registered in his favour. There are specific allegations levelled against the petitioner/A.1. Therefore, in view of serious allegations made against the petitioner/A.1 and keeping in view the gravity of offences alleged against him, I am not inclined to grant anticipatory bail to the petitioner/A.1.

Accordingly, the Criminal Petition is dismissed.

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

JUSTICE G. SRI DEVI

09.07.2019.
Msr

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