

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.4913 of 2019

ORDER :

This Criminal Petition under Section 438 of Cr.P.C. is filed seeking anticipatory bail by the petitioner, who is Accused in Crime No.397 of 2019 of Hayathnagar Police Station, Rachakonda District, registered for the offences punishable under Sections 419, 420, 468 and 471 IPC.

The case of the prosecution is that defacto-complainant is the absolute owner and possessor of plot admeasuring 266 sq.yards in Sy.No.28, situated at Koheda village, which he purchased through registered sale deed bearing Doc.No.15155 of 1989 at Sub Registrar Office, Hayathnagar, dt.25.03.2019. Since he lost original documents of said plot, he made a complaint to the police, Jubilee Hills. He also obtained Encumbrance Certificate from the SRO, Hayathnagar in which the property is shown in his name. Later when he obtained Encumbrance Certificate in the SRO Office, Peddamberpet, intending to gift the property to his daughter, to his surprise, the property is not in his name. On his enquiry, it is known that one K.Venkatesh and others without his knowledge, forged his signature and prepared agreement of sale-cum-General Power of Attorney and sold the property to one Alugubelli Lakshmi vide Doc.No.30512 of 2006 at SRO Peddamperpet. Hence said Venkatesh and others

conspired and created documents by forging signature of the defacto-complainant impersonating him.

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

Learned counsel for the petitioner/Accused contends that the defacto-complainant did not make any allegation in his complaint against the petitioner. The petitioner did not commit any offence. It is also contended that the police intentionally trying to implicating him in the case. Due to the harassment by the police, the petitioner underwent treatment for cardiac problems and stunt was implanted. 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 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.

As seen from the contents of the notice u/sec.41-A CrPC in which it is shown that the petitioner herein admitted in his confessional statement that the entire fake registration process was made by him. The petitioner further admitted that he took one unknown person posing as Ramakrishna and registered the property in the name of his co-brother Venkatesh as he got Agreement-cum-GPA from Ramakrishna and later both the

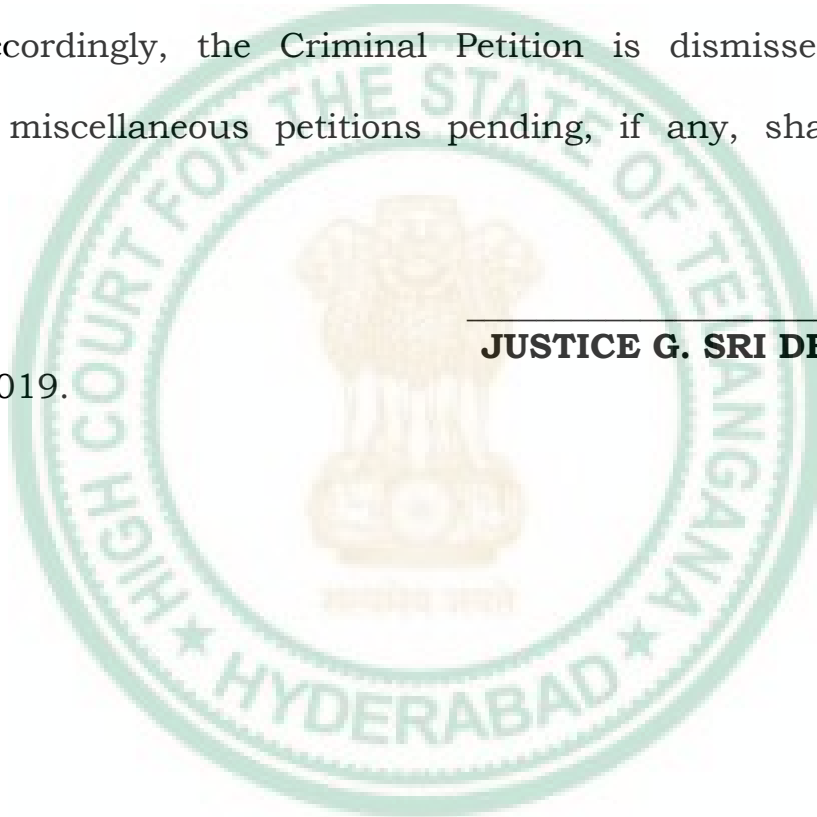
petitioner and said Venkatesh sold the property to one Alugubelli Laxmi. The petitioner further admitted that he also secured one Dhanaraj as a witness for registration and thus cheated the complainant.

Thus, in view of serious allegations made against the petitioner and keeping in view the gravity of offences alleged against him, I am not inclined to grant anticipatory bail to the petitioner/Accused.

Accordingly, the Criminal Petition is dismissed. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

29.08.2019.
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