HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY, THE TWENTY SEVENTH DAY OF AUGUST
TWO THOUSAND AND NINETEEN

:PRESENT:
THE HON'BLE JUSTICE G SRI DEVI

CRIMINAL PETITION NOS: 5091 AND 5092 OF 2019

CRL.P.NO.5091 OF 2019

Between:
Mustafa Kamal Siddiqui, S/o.Gulam Siddiqui,

....Petitioner/Accused-5

AND
The State of Telangana, rep. by its Public Prosecutor, High Court for State of Telangana, through the Station House Officer, CCS, DD, Hyderabad.

....Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to grant anticipatory bail by directing the Station House Officer, CCS, DD, Hyderabad to release the petitioner on bail in the event of his arrest in connection with Cr.No.149 of 2019 of CCS, DD, Hyderabad

CRL.P.NO.5092 OF 2019

Between:
Abdul Haleem Baig @ Sanober Baig, S/o.Abdul Faiz Baig

Petitioner/Accused-4

AND

The State of Telangana, Rep. by its Public Prosecutor, High Court for State of Telangana, through the Station House Officer, CCS, DD, Hyderabad.

....Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to grant anticipatory bail by directing the Station House Officer, CCS, DD, Hyderabad to release the petitioner on bail in the event of his arrest in connection with Cr.No.149of 2019 of CCS, DD, Hyderabad

These petitions coming on for hearing, upon perusing the Petitions and the affidavits filed in support thereof and upon hearing the arguments of MR.SYED ABDUL WASAY Advocate for the Petitioner in both petitions, and ADDL.PUBLIC PROSECUTOR (TG) for the Respondent in both petitions, the Court made the following.

COMMON ORDER

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION Nos.5091 and 5092 of 2019

COMMON ORDER :

Since both these Criminal Petitions arise out of same Crime No.149 of 2019 of CCS Police Station, DD, Hyderabad, they are heard together and being disposed of by this common order.

While Crl.P.No.5091 of 2019 is filed by the petitioner, who is A.5; Crl.P.No.5092 of 2019 is filed by the petitioner, who is A.4; both under Section 438 of Cr.P.C. seeking anticipatory bail in Crime No.149 of 2019 of CCS Police Station, DD, Hyderabad, registered for the offences punishable under Sections 420, 465, 468, 471 of IPC.

The case of the prosecution is that the petitioners along with other accused have created false and fabricated documents in respect of the scheduled property and illegally sold the said property to some third parties. Basing on the complaint lodged by the defacto complainant, the police registered Crime No.149 of 2019 for the aforesaid offences against the petitioners and other accused.

Heard learned counsel for the petitioners/A.4 and A.5 and the learned Additional Public Prosecutor appearing for the respondent State. Perused the material on record.

Learned counsel for the petitioners contends that the petitioners are innocent of the alleged offences and a false case has been foisted against them in order to harass them. It is contended that the petitioners are bonafide purchasers and developers of the schedule property from A.1 to A.3 through Development Agreement-cum-GPA vide Document No.30496/2016, dt.15.11.2016 and being the developers, the petitioners offered to sell the said property to third parties after obtaining necessary permission from the competent authorities. It is also contended that subsequent to entering into the Development Agreement, there are some disputes arose between the landlords and the complainant and his principal, due to which the principal himself cancelled the Power of Attorney issued in favour of the complainant. It is contended that in order to settle the issue, the petitioners paid Rs.36,00,000/- each to the defacto complainant and co-GPA of all their principal through Bank and the principal of the complainant acknowledged the same and issued No Objection to deal with the subject property by the petitioners, being the developers. It is also contended that with respect to the very same property, a civil suit was also filed and injunction order has already been granted in favour of the petitioners. It is contended that the petitioners are innocent of the alleged offences and the dispute is purely of a civil nature between the principal, GPA and landlords and the petitioners were falsely implicated in the above crime. It is also contended that material part of investigation has already been

completed and the petitioners are ready to abide by any of the conditions imposed by this Court and would cooperate with the investigation, if they were released on anticipatory bail in the event of their arrest in connection with the aforesaid crime.

On the other hand, the learned Additional Public Prosecutor opposed the relief sought in the above Criminal Petitions.

A perusal of the record and the nature of allegations levelled against the petitioners would reveal that the dispute is purely of civil nature and the petitioners are bonafide purchasers/developers in whose favour registered Development Agreement has been executed by the owners in respect of the subject property.

Therefore, by taking into consideration the nature of allegations made against the petitioners and also keeping in view the facts and circumstances of the case, since the dispute is of civil nature, I am inclined to grant anticipatory bail to the petitioners by imposing some conditions.

In the result, both these criminal petitions are allowed and the petitioners/A.4 and A.5 are directed to be released on bail in the event of their arrest in connection with Crime No.149 of 2019 of CCS Police Station, DD, Hyderabad, on their executing separate personal bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two local

sureties for a like sum each to the satisfaction of the said Station House Officer and subject to the condition that the petitioners would cooperate with the investigation Agency and would report before the above Police Station, on every third Saturday between 10-00 a.m. and 5-00 p.m. till completion of investigation and filing of charge sheet, whichever is earlier.

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

SD/- CH.VENKATESWARLU
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The XII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad.
2. The Station House Officer, CCS, DD, Hyderabad
3. Two CCs to MR.SYED ABDUL WASAY Advocate [OPUC]
4. Two CCs PUBLIC PROSECUTOR (TG), High Court for the State of Telangana, at Hyderabad (OUT)
5. One spare copy

HIGH COURT

GSD,J

DATED: 27.8.2019

CRL.P.NOS.5091 AND 5092 OF 2019

ANTICIPATORY BAIL