

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.7012 of 2019

ORDER :

This Criminal Petition under Section 438 of Cr.P.C. is filed by the petitioner/A2, seeking anticipatory bail in Crime No.150 of 2019 on the file of the S.H.O., Jayashanker Bhupalpally Police Station, Bhupalpally District, registered for the offences punishable under Sections 420, 468, 471, 447, 427 and 506 r/w 34 IPC.

2. Heard learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for respondent-State.

3. Learned counsel for the petitioner submits that a plain reading of complaint shows that there are no specific overt-acts against the petitioner to attract the offences registered against him and hence, F.I.R. is illegal and arbitrary. He further submits that A1 has already filed O.S.No.38 of 2019 on the file of the II Addl. Senior Civil Judge, Warangal, seeking declaration of title and perpetual injunction. He further submits that the present criminal proceedings initiated against the present petitioner is nothing but abuse of process of law. He further submits that in order to overcome the suit and pressurize the petitioner in respect of the property for compromise, the de facto complainant has initiated present criminal proceedings. He further submits that the Civil Court has

jurisdiction to deal with the property and declare that who are the original owners of the property. The petitioner is innocent of the allegations leveled against him and he hails from respectable family and he is a law abiding citizen and if the case is proceeded, he will lose his reputation in the society, which he is enjoying since a long time. He further submits that the de facto complainant has roped the petitioner in the instant complaint with the sole intention to create pressure upon him and hence, he prays to grant anticipatory bail to the petitioner.

4. On the other hand, the learned Additional Public Prosecutor representing the State vehemently opposed the bail application.

5. As seen from the contents of the complaint petition, there are specific allegations that the de facto complainant originally purchased the disputed plot from A3 and subsequently, A3 changed the survey number and sold the same plot to the de facto complainant, which was already purchased by the de facto complainant, who in turn sold the same to the present petitioner by way of registered sale deed. The present petitioner, in turn sold the said plot to A1 and both of them have raised compound wall in the said plot. Thus, the petitioner knowing fully well that the plot, which was purchased by him does not

belong to him, disposed of the same to A1 and raised compound wall.

6. Thus, looking into nature of allegations made against the petitioner and also keeping in view the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner

7. Accordingly, the Criminal Petition is dismissed. However, if the petitioner-A2 surrenders before the concerned Court within 15 days from today and move bail application, the same may be considered in accordance with law. Miscellaneous petitions, if any pending, shall stand closed.

DATED: 11.11.2019.
Hsd

JUSTICE G. SRI DEVI

