

THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL PETITION No.7411 of 2019

ORDER:

This Criminal Petition is filed by the petitioner/accused No.4 seeking to enlarge him on bail pending investigation in Crime No.82 of 2019 on the file of Central Crime Police Station, Hyderabad, registered for the offences punishable under Sections 419, 420, 406, 465, 467, 466 and 471 read with Section 34 IPC.

2. Heard learned counsel for the petitioner/accused No.4, learned Additional Public Prosecutor appearing for the respondent-State and perused the record.

3. Learned counsel for the petitioner submitted that this the second bail application of the petitioner; that the first anticipatory bail application, CrI.P.No.3528 of 2019, filed by the petitioner was dismissed by this Court, vide order dated 09.7.2019; that the present application is filed on the changed circumstances stating that based on the confessional statement of the accused, the petitioner has been roped into the case; that the petitioner is no way concerned with the allegations levelled against the other accused; that the petitioner entered into an agreement of sale with accused No.1 on 24.8.2018 for purchase of the house property for a total sale consideration of Rs.65 lakhs and paid Rs.1 lakh cash and Rs.12 lakhs through cheque dated 15.10.2018 and introduced accused No.2 who processed the loan papers after he has handed over the actual pay slip for Rs.39,483/- duly signed by the

petitioner; that subsequently, the petitioner adjusted the balance sale consideration and requested accused No.1 to return the loan documents which were postponed on one pretext or the other; that the petitioner has paid the total balance sale consideration of Rs.51,92,700/- through banker's cheque dated 31.01.2018 and cash of Rs.7,300/- to accused No.1 under a written receipt and became a victim to the fraud played by accused Nos.1 to 3; that the remand report dated 07.9.2019 clearly indicates that the investigation is almost completed and the arrested accused were enlarged on bail; that the petitioner is a Government employee and his unwarranted arrest may adversely affect his employment which is the only source of income to maintain his family; that he is a permanent resident of Hyderabad; and that he is a law abiding citizen. Hence, the learned counsel prayed to enlarge the petitioner on bail.

4. Learned Additional Public Prosecutor opposed the bail application.

5. As seen from the remand case diary, it transpires that accused No.1 along with other accused i.e., accused Nos.2 and 3 planned to avail house building loan in the name of accused No.4 on the same house property and accordingly, they created a fake sale deed bearing document No.6347/2018 which is executed by accused No.1 in faovur of accused No.4 as if it was registered at SRO, Vallabhanagar, and also created fake pay slips of accused No.4 and availed housing loan for Rs.55 lakhs from the State Bank of India, Khairatabad, which was sanctioned by RACPC, Banjara Hills,

Hyderabad, which is a non-performing asset as repayments are not made regularly since 31.3.2019. The remand report further reveals that the petitioner and accused Nos.2 and 4 are the colleagues in the postal department and accused No.1 along with accused Nos.2 and 3 planned to avail housing loan in the name of accused No.4 and accordingly, they created fake pay slip of the petitioner and a fake sale deed.

6. Looking into the nature of the allegations levelled against the petitioner and the facts and circumstances of the case, I am not inclined to release the petitioner on bail. However, if the petitioner surrenders before the Court concerned within 15 days from today and files an application for bail after giving notice to the learned Public Prosecutor, the Court concerned shall consider and dispose of the bail application.

7. The Criminal Petition is accordingly disposed of.

8. Miscellaneous petitions, if any pending in this criminal petition, shall stand closed.

28th November, 2019
dr

JUSTICE G.SRI DEVI