

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.8303 OF 2021

ORDER:-

This petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking pre-arrest bail to the petitioner/A.2 in the event of his arrest in connection with Crime No.385 of 2021 of Chilkalguda, Hyderabad, registered for the offences punishable under Sections 467, 468, 471, 419 and 420 of the Indian Penal Code, 1860 (for short 'IPC').

2. The case of prosecution is that a report was lodged by the de facto complainant stating that the petitioner herein and A.1 approached him through common friends and agreed to sell their property admeasuring 5778 sq. yards in Survey No.287/aa situated at Peddakandukur Village, Yadagirigutta Mandal, Bhongir District, and sent the Photostat copies of documents to the de facto complainant and after looking the same, he asked them to show the property physically. When the de facto complainant asked the petitioner and A.1 about the original documents, they said that they were deposited in a loan transaction with ICICI Bank and the same shall be released by them before completion of registration of the property. The de facto complainant agreed to purchase the property for a consideration of Rs.4,62,24,000/- and on 03.03.2021 paid a sum of Rs.43,00,000/- through cheques and RTGS. When he requested them to get the documents be released from the bank and execute registered sale deed in his favour, they

postponing the matter. The de facto complainant, vexed with the dodging attitude of the petitioner and A.1, made enquiries with the bank and it is revealed that there is no loan transaction and surprisingly he came to now that the property is not in their name and it belongs to someone else. Basing on the said report, the present crime is registered.

3. Heard Mr.Veera Babu Gandu, learned counsel for the petitioner, and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submits that the petitioner has entered into an agreement of sale with one Annam Brahma Reddy on 17.02.2021 and on the strength of the said agreement of sale in respect of the very same property, the petitioner got entered an agreement of sale on 03.03.2021 with the Gujarati Social Welfare Society. He submits that even in the agreement of sale, it is clearly stated that the petitioner is the agreement holder. The allegation against the petitioner is that without there being any property he has entered into an agreement with the de facto complainant. He submits that earlier the petitioner and A.1 have filed quash petition before this Court, *vide* Crl.P.No.5664 of 2021 and vide order dated 23.07.2021 this Court granted interim direction to the police not to arrest the petitioner and A.1, subsequently it was extended till 01.11.2021. Later, Crl.P.No.5664 of 2021 was dismissed. He submits that entire transaction is purely civil in nature and at the behest of the de facto complainant, the petitioner has been implicated falsely in this case. Hence, the petitioner case may be considered for grant of pre-arrest bail.

5. On the other hand, learned Assistant Public Prosecutor submits that two cases were registered against the petitioner herein one is in the year 2017 and the other is in 2021. He submits that the petitioner is the habitual offender and committing this type of offences, as such, he is not entitled for pre-arrest bail.

6. Taking into consideration of the allegations made in the complaint, where it is the case of the de facto complainant that the petitioner intends to sell the property, which does not exist in his name, and in fact it is in the name of some other person, and in the agreement of sale it is stated that the petitioner is the agreement holder, this Court deems it appropriate to grant pre-arrest bail to the petitioner/A.2.

7. Accordingly, the Criminal Petition is allowed. The petitioner/A.2 shall be released on bail in the event of his arrest in connection with Crime No.385 of 2021 of Chilkalguda Police Station, Hyderabad, on condition of executing a self bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the Station House Officer, Chilkalguda Police Station, Hyderabad. On such release, the petitioner/A.2 shall cooperate with the investigation.

Consequently, miscellaneous applications pending, if any, shall stand closed.

LALITHA KANNEGANTI, J

Date :23.11.2021
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