

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 8387 OF 2021

O R D E R:

This Criminal Petition under Section 438 Cr.P.C. is filed by petitioners – Accused Nos. 1 and 2 seeking bail in the event of their arrest in connection with Crime No. 131 of 2021 of Saifabad Police Station, Hyderabad registered for the offences punishable under Sections 420, 467, 468, 471, 120-B read with Section 34 IPC.

2. The case of prosecution is that on 04.03.2021 at about 22.30 hours, a complaint was received from Sri Gautham Gupta, wherein it is stated that he entered into an agreement of sale with one Nirmala Jacob (Accused No.1) regarding property bearing Municipal H.No. 8-2-293/82/A/711 and H.No. 8-2-293/82/A/711/1 together with plot of land admeasuring 1117 square yards in the lay out of Jubilee Hills Cooperative House Building Society Limited forming part of New Survey No. 120 of Shaikpet and Survey No. 102/1 of Hakimpet Village stating that same is free from all encumbrances. Believing the said version, agreement of sale was entered into for Rs.15 lacs, out of which, complainant paid Rs.1,00,000/- by way of NEFT *vide* reference ID No. 0030168217, dated 28.01.2021, into the account of Nirmala Jacob and Rs.4 lacs by way of cash towards advance and it was agreed to register the sale deed within two months. Recently, complainant came to know that Accused No.1 and her husband Khaiser (Accused No.2) have already entered into agreement with one Sikander Daredia and received a huge sum

of Rs.3,50,00,000/-. On further enquiry, it came to light that Accused No.2 created a fake and fabricated document of land admeasuring 232 square yards which is part of land admeasuring 1117 square yards in Plot No. 711.

3. Learned counsel for petitioners submits that in the complaint, it is alleged that petitioners have no title to property, however, they entered into an agreement of sale with one Sikher Dadia on 12.11.2018 and subsequently, with a dishonest intention to cheat complainant, entered into an agreement of sale on 28.01.2021, as per which, he had paid Rs.1 lac by way of bank transfer and Rs. 4 lacs by way of cash. He submits that when an amount of Rs.1 lac was transferred to her account, Accused No.1 addressed a letter to the bank on 08.02.2021 stating that she received Rs.1 lac from A/c No. 52012897953 and asked to remove the said amount as she has not credited such amount. Learned counsel for petitioners submits that except Rs. 1 lac, petitioners have not received any amount and that amount was also re-transferred to the account of complainant. It is stated that to prove their *bona fides*, petitioners are ready to deposit Rs. 4 lacs alleged to have been given by way of cash. Learned counsel submits that petitioners have not committed the alleged offences and they have been implicated in this case. He submits that earlier agreement holder also filed a report against petitioners which was registered as Crime No. 57 of 2020 wherein notice under Section 41-A Cr.P.C. was issued and petitioners have been cooperating with the investigating agency, hence, their case may be

considered for grant of pre-arrest bail as they are ready to cooperate with the investigation in this crime also.

4. On the other hand, learned Assistant Public Prosecutor submits that earlier also, a crime was registered against petitioners and as investigation is pending, petitioners are not entitled for pre-arrest bail.

5. Looking at the allegations in the complaint, there appears to be disputes between the parties with regard to a piece of land and even the letter addressed by petitioners to the bank on 08.02.2021 shows that there are disputes between them. This Court therefore, deems it appropriate to grant pre-arrest bail to petitioners.

6. Accordingly, this Criminal Petition is allowed and petitioners – Accused Nos. 1 and 2 shall be released on bail in the event of their arrest in connection with Crime No. 131 of 2021 of Saifabad Police Station on each of them executing a personal 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, Saifabad Police Station. It is made clear, the petitioners shall surrender before the Police Station concerned within one week from the date of receipt of a copy of this order. No further extension of time will be granted.

LALITHA KANNEGANTI, J

02nd December 2021

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