

**THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI**

**CRIMINAL PETITION NO.9319 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 petitioners/A.2 and A.8 to A.11 in the event of their arrest in connection with Crime No.587 of 2021 of Gachibowli Police Station, Cyberabad Commissionerate, registered for the offences punishable under Sections 447, 427, 420, 471 and 120-B of the Indian Penal Code.

2. A report was lodged by the *de facto* complainant stating that the petitioners along with other accused hatched a criminal conspiracy to commit fraud and cheating to grab his land and other plots in Sai Sri Colony, situated in Survey No.100 of Kondapur Village, and in furtherance of execution of the criminal conspiracy, executed the AGPA Document No.48/1999 at Sub-Registrar Office, Bhadrachalam, on 04.05.1999 by impersonating the original owner-Smt. A. Anausrya, who died on 29.12.2000, created another forged document bearing No.5966/2013. The accused persons have damaged the boundaries and structures of his plot and plots of others. Basing on the said complaint, the present crime is registered.

3. Heard Mr.S.Nagesh Reddy, learned counsel for the petitioners, and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submits that the grievance of the *de facto* complainant in his complaint is that the plot, which has been sold to him, has been again sold to some other person by fabricating the documents. According to the *de facto* complainant, he has purchased the said plot in the year 1992 and the petitioners sold the property in the year 2013 to others. He also filed O.S.No.1447 of 2017 seeking declaring of title and perpetual injunction before the VI Additional Special Judge, Kukatpally. Learned counsel submits that after filing of the civil suit, now this complaint is filed with an intention to settle the civil disputes between the parties. It is submitted that the schedule properties in both the documents are completely different and *de facto* complainant has misrepresented the said fact. The alleged document, which is said to have been forged by the petitioners, will be decided in the civil suit. The initiation of criminal proceedings against the petitioners is an abuse of process of law. Hence, the petitioners' case may be considered for grant of pre-arrest bail.

5. On the other hand, learned Assistant Public Prosecutor submits that so far two witnesses were examined. As the investigation is pending, the petitioners are not entitled for grant of pre-arrest bail.

6. Taking into consideration the fact that the dispute between the parties appears to be purely a civil one and a civil suit is also pending before the Court below, this Court deems it appropriate to grant pre-arrest bail to the petitioners.

7. Accordingly, this Criminal Petition is allowed. Petitioners shall surrender before the Station House Officer, Gachibowli Police Station, Cyberabad Commissionerate , in connection with Crime No.587 of 2021 within one week from today and on such surrender and executing personal bonds for a sum Rs.20,000/- (Rupees twenty thousand only) each with two sureties for a like sum each to the satisfaction of the said Station House Officer, they shall be released on bail. It is made clear that no further extension of time will be granted.

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

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**LALITHA KANNEGANTI, J**

Date :16.12.2021

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