

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.9320 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.1 to A.5 in the event of their arrest in connection with Crime No.695 of 2021 of Gachibowli Police Station, Cyberabad Commissionerate, registered for the offences punishable under Sections 427, 447, 420, 468, 471 and 506 read with 120-B of the Indian Penal Code.

2. A report was lodged by the *de facto* complainant stating that she is absolute owner and possessor of land covered by Plot No.12, admeasuring 467 sq. yards, situated in Kondapur Village. Her mother purchased the said plot from the original owners, viz., Smt.A.Anasuya and four others, through a registered sale deed bearing document No.116 of 1992 representing their GPA Holders. The original vendors hatched a criminal conspiracy to commit fraud and cheating and illegally grab her plot and other 98 plots, created forged document of sale to an extent of Ac.6.00 gts. in Survey 100 of Kondapur, vide AGPA document No. 48 of 1999, by impersonating the original owners. Since the forged document is creating of cloud on the title, she filed a suit for declaration of title, vide O.S.No.234 of 2021, before the VIII Additonal Senior Civil Judge, L.B.Nagar, Hyderabad, and in the suit the learned Judge has granted interim order in her favour. As to protect her property, she

lodged the complaint. 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 her complaint is that the plot, which has been sold to her, has been again sold to some other person by fabricating the documents. According to her, she has purchased the said plot in the year 1992 and the petitioners sold the property in the year 1999 to others. She also filed O.S.No.234 of 2021 seeking declaring of title and perpetual injunction before the VIII Additional Senior Civil Judge's Court, Ranga Reddy District at L.B.Nagar. 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/A.1 to A.5 shall surrender before the Station House Officer, Gachibowli Police Station, Cyberabad Commissionerate, in connection with Crime No.695 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.

LALITHA KANNEGANTI, J

Date :16.12.2021

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