

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.1051 OF 2022

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.3 in the event of their arrest in connection with Crime No.182 of 2020 of Alampur Police Station, Jogulamba Gadwal District, registered for the offences punishable under Sections 415, 416, 418, 420, 464, 467, 470 and 471 of Indian Penal Code.

2. The case of prosecution is that on 11.12.2020 the *de facto complainant* lodged a complaint stating that accused No.1 got fabricated a registered sale deed bearing document No.551 of 2009 dated 24.01.2009 with the support of Accused No.3 and 4 in collusive manner in which the name of vendor is alleged to be shown as Ahmed Khatum, who is the mother of complainant, by producing a fake ration card belongs to one Sultana, without the signature of vendor-Ahmed Khatoon, but the said document was got executed by the Special Power of Attorney holder, who signed before the

concerned Sub-Registrar, in pursuance of the special power of attorney document bearing No.11 of 2009. Thus, the accused persons in collusion with the Sub-Registrar, Alampur, created a false and fabricated registered sale deed. Basing on the said report, the present crime is registered.

3. Heard Mr.Shafath Ahmed Khan, learned counsel for the petitioner, and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submits that the dispute between the parties is purely civil in nature and in fact petitioner No.1 herein filed a suit O.S.No.52 of 2019 on the file of the Junior Civil Judge, Alampur, against the complainant and his brother and in the said suit, summons were received by the complainant and they have also filed written statement. After filing the written statement, they came to know that the said registered sale deed dated 24.01.2019 was forged and fabricated by the petitioners. He submits that the document is marked in a civil suit and the said suit is pending for consideration. Unless and until the civil suit is decided on such plea

and finding is given by the Court below, the present complaint is not maintainable.

5. On the other hand, learned Assistant Public Prosecutor submits that investigation is pending and so far one witness is examined. In view of the allegations levelled against these petitioners, they are not entitled for pre-arrest bail.

6. Admittedly, in this case, a civil suit is pending and even the case of the complainant is that the document was forged and fabricated. Hence, this Court deems it appropriate to grant pre-arrest bail to the petitioners/A.1 to A.3.

7. Accordingly, this Criminal Petition is allowed. Petitioners/A.1 to A.3 shall surrender before the Station House Officer, Alampur Police Station, Jogulamba Gadwal District, in connection with Crime No.182 of 2020 within one week from today and on such surrender and executing personal bonds for 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.

Miscellaneous petitions, pending if any, shall stand closed.

LALITHA KANNEGANTI, J

Date: 25.02.2022

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