

THE HON'BLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION NO. 445 OF 2022

ORDER:

This petition is filed under Section 438 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking anticipatory bail to the petitioner/accused.

2. The petitioner is the sole accused in Crime No.14 of 2022 on the file of Ramachandrapuram Police Station, Cyberabad.

3. The case of the prosecution in brief is that the defacto complainant lodged report stating that he got two shutters (shop portion) in the cellar portion of House No.22-77 admeasuring 72.5 sq.yards situated at Konkunta village, Sanga Reddy. He sold one of the shutters to the accused in the year 2010. In 2011, when the petitioner/accused tried to cover the display board of his shop, the defacto complainant raised objection, for which, the petitioner/accused along with others attacked him. Thereupon, he got registered the crime in Ramachandrapuram Police Station. Subsequently, the petitioner/ accused filed suit in O.S.No.176 of 2019 before the Civil Court, Sanga Reddy claiming that the defacto complainant entered into agreement of sale of the second shop in his name. On receiving the case papers, suspecting the signatures on the agreement of sale, he forwarded the document to Truth Labs and they confirmed that the signature on the document does not belong to him. Thus, contended that the petitioner/accused with an intention to grab the property, forged his signature and fabricated the document and thereby committed the offence punishable under Sections 420, 468, 470 and 471 of IPC.

4. Learned counsel for the petitioner denied the allegations. Further submitted that the defacto complainant agreed to sell two shutters to the petitioner/accused and one of them was sold and in respect of other shutter, an agreement of sale was entered into on 11.1.2011. In the suit filed by the petitioner/accused, the defacto complainant had not taken any plea of forgery or fabrication, except limitation. The expert opinion based on photo copies cannot be of any proof of forgery or fabrication of the document. In view of the civil disputes and to refrain from acting upon the agreement, the defacto complainant has foisted the story of forgery and fabrication of document and got registered the crime. In the situation, he is apprehending arrest. However, he is ready to cooperate with investigation and willing to furnish suitable sureties and abide by any of the conditions imposed by the Court. Thus, prayed to grant anticipatory bail.

5. The learned Public Prosecutor opposed the bail petition and submitted that the petitioner is the sole accused and the allegation of forged signature on the agreement of sale is under investigation, hence, the petitioner is not entitled for anticipatory bail.

6. Perused the material. The suit filed by the petitioner/accused against the defacto complainant seeking specific performance of the contract basing on the disputed agreement of sale and the plea of the petitioner that the defacto complainant as defendant in the suit did not take any specific pleading, contesting his signature on the agreement or fabrication of the document are not in dispute. The suit is filed in the year 2019 and the present complaint is filed in 2021 with a considerable delay. Having regard to these aspects and

pendency of civil litigation and also the nature of dispute, this Court finds that the prayer of the petitioner for grant of anticipatory bail can be positively considered, subject to following conditions.

- (i) The petitioner/accused is directed to appear before the Ramachandrapuram Police Station, Cyberabad within 15 days from today and on such surrender or in the event of arrest of the petitioner, the Station House Officer is directed to release the petitioner/accused on bail on his executing personal bonds for Rs.50,000/- with two sureties for the likesum to his satisfaction.
- (ii) The petitioner is further directed to appear before the Station House Officer, Ramachandrapuram Police Station, Cyberabad on every Saturday between 10.00 a.m. and 5 p.m. till the filing of charge sheet.
- (iii) The petitioner shall furnish his residence and contact particulars and inform change of address, if any, from time to time to the Station House Officer, Ramachandrapuram Police Station, Cyberabad.

Accordingly, the Criminal Petition is allowed.

Date : 27.1.2022

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N.TUKARAMJI, J

THE HON'BLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION NO. 10318 OF 2021

12.1.2022

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