

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.10180 of 2021

ORDER:

This petition is filed under Section 438 of the Code of Criminal Procedure, 1973, seeking bail to the petitioners/A-1 to A-3 in the event of their arrest in connection with Crime No.968 of 2021 of Shadnagar Police Station, Cyberabad District, registered for the offences punishable under Sections 406, 420, 467, 164, 120-B, 323, 506 read with 34 IPC.

2. The case of the prosecution is that the *de facto* complainant lodged a complaint stating that she is an absolute pattadar and possessor of the land admeasuring Ac.09-14 gts in Sy.Nos.436, 437/A-1, 38/1, 440/EE-A, 440/EE-AA, 441/2, 442 situated in the limits of Burgula Village, Faruqnagar Mandal, and that A1 is her brother, A2 is wife of A1 and A3 is son of A1. Since A1 is an employee in South Central Railways and residing at Hyderabad, the de-facto complainant has instructed A1 to look after the said property and she has also executed GPA in favour of A2, and on believing the words of A1 and A2 that they will purchase the property on her name at Hyderabad, she paid a sum of Rs.41,00,000/- to A1 and a sum of Rs.65,00,000/- to A2, but A1 and A2, intentionally, wantonly and for their wrongful gain, have not purchased any property. That on 02.02.2021, when A1 and A2 were intending to convert the above lands of de-facto complainant into non-agriculture and to prepare house plots for sale, she refused to prepare the affidavit for the said purpose, and later, she cancelled the GPA and since then, the accused started threatening to see her end and that the accused have conspired together and created a fake agreement of sale in the names of A1 and A3 charging that the de-facto complainant has agreed to sell her lands for a sum of Rs.51,12,500/-, thereby cheated her.

3. Leaned counsel for the petitioners Sri S. Raja Sekhar, submits that the de-facto complainant is none other than the sister of A1 and that there are civil disputes pending between the parties, and in fact, A1 and A3 have filed a suit in O.S.No.93 of 2021 on the file of the Judge, Family Court-cum-VIII Additional District Judge, Mahabubnagar, for specific performance of contract of an agreement of sale and the Court below has granted ad-interim injunction restraining the respondents from alienating/transfer/convey the petition schedule property to the third parties, by order dated 30.09.2021. Learned counsel submits that later, on 01.11.2021, when the said suit came up, the de-facto complainant i.e., respondent No.1 therein, is not present and represented by her counsel, and the matter was adjourned for counter and for summons to Respondent No.2 and the interim order was extended till 26.11.2021. Learned counsel submits that the said interim orders were extended until further orders, and that suppressing all these facts, a private complaint was lodged on 18.11.2021, this itself shows that the petitioners have been implicated in this case and as such, their case may be considered for pre-arrest bail.

4. Learned Assistant Public Prosecutor submits that the investigation is pending and in view of the allegations in the complaint, the petitioners are not entitled for pre-arrest bail.

5. Taking into consideration the fact that the civil disputes are pending between the parties and also the interim order passed by the Court below in the suit filed for specific performance and suppressing all the said facts, the de-facto complainant has filed a private complaint and the crime is registered, this Court deems it fit to grant pre-arrest bail to the petitioners-A-1 to A-3.

6. Accordingly, the Criminal Petition is allowed. Petitioners – Accused Nos.1 to 3 shall surrender before the Station House Officer, Shadnagar

Police Station, Cyberabad, in connection with Crime No.968 of 2021 within one week from today and on such surrender and executing a personal bond 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.

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

3rd January, 2022
sj

LALITHA KANNEGANTI, J