

THE HONOURABLE DR. JUSTICE D.NAGARJUN

CRIMINAL PETITION No.113 of 2023

O R D E R:

This Criminal Petition is filed by the petitioners/Accused No.1 to 2 under Sections 438 of the Code of Criminal Procedure seeking anticipatory bail in FIR No.1030 of 2022 dated 12.09.2022 on the file of the Station House Officer, Gachibowli, Cyberabad District, which has been registered on the basis of a private complaint filed by the *de facto* complainant alleging that the petitioners have committed offence punishable under Sections 120b, 420, 441, 463, 464, 467, 471 read with Section 34 of the Indian Penal Code.

02. Heard Sri G.V.L. Murthy, learned counsel for the petitioners as well as Sri T.V.Ramana Rao, learned Additional Public Prosecutor for the respondent/State.

03. It is alleged by the *de facto* complainant that there is a dispute between the *de facto* complainant and the petitioners herein in respect of leasing of the property. The property

belongs to the *de facto* complainant and stated to have been leased out to the petitioners, for which, a Memorandum of Understanding (MOU) was admittedly executed. It is alleged in the complaint that the lease deed dated 15.01.2021 was not executed by the *de facto* complainant and that the petitioners have created the same by way of forgery of signature of the *de facto* complainant and executed the same.

04. Learned counsel for the petitioners submits that there are disputes between the *de facto* complainant and the petitioners in respect of the property belonging to the *de facto* complainant, for which the petitioners have taken the said property on lease for carrying out food business. It is stated further that the *de facto* complainant has executed the lease deed apart from MOU and a false case has been foisted against the petitioners.

05. Learned Additional Public Prosecutor submits that the averments of the complaint would go to show that the *de facto* complainant has mentioned that the petitioners have forged his signature and fabricated the documents.

06. Heard both sides and perused the record.

07. It is clear from one of the un-numbered paras of the complaint given by the *de facto* complainant that the petitioners have forged the alleged lease deed dated 15.01.2021 to show that the lease deed was executed by the *de facto* complainant, but, however, the learned counsel for the petitioners submits that in the MOU, which is admittedly executed by the *de facto* complainant, it is mentioned as follows:

“TERM : The term of this Agreement shall be conterminous with the Lease Deed dated 15.01.2021 in respect of the Schedule Property executed between the parties and shall remain in force as long as the Lease Deed remains in force”.

08. A perusal of the above term of the MOU, which is admittedly executed by the *de facto* complainant, refers to the execution of the lease deed between the parties. Therefore, it appears that the very fact that the petitioners have created forged lease deed has no foundation. Even otherwise, whether the petitioners have committed forgery or not is the question of further investigation. The truth or

otherwise of the forged document will come only after sending the disputed signatures and admitted signatures of the de-facto complainant to the hand writing expert for opinion. The petitioners are permanent residents of Hyderabad and doing business, hence, there is no apprehension of their absconding.

09. Considering the nature of the offences and circumstances explained above, this is a fit case to grant anticipatory bail to the petitioners.

10. Accordingly, the Criminal Petition is allowed and the petitioners/Accused Nos.1 and 2 are granted anticipatory bail subject to the following conditions:

- i) The petitioners/Accused Nos.1 and 2 are directed to be surrendered themselves before the Station House Officer, Gachibowli, Cyberabad District, and on such surrender, the petitioners/Accused No.1 and 2 are ordered to be released on bail on their executing personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of Station House Officer, Gachibowli, Cyberabad District.

ii) The petitioners/Accused No.1 and 2 shall abide by the other conditions stipulated in Section 438 of the Code of Criminal Procedure.

As a sequel, pending Miscellaneous Applications, if any, shall stand closed.

DR. D.NAGARJUN, J

Date: 11-Jan-2023
Yvkr

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