

**THE HONOURABLE SRI JUSTICE A.SANTHOSH REDDY**

**CRIMINAL PETITION No.4204 OF 2023**

**ORDER:**

This Criminal Petition is filed under Section 438 of Cr.P.C., seeking pre-arrest bail to the petitioners/accused Nos.1 and 2 in the event of their arrest in connection with Crime No.325 of 2023 of Raidurgam Police Station, Cyberabad District, registered for the offences punishable under Sections 420, 423, 451, 465, 468, 471, 120-B read with 34 of Indian Penal Code.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent-State. Perused the record.

3. The case of the prosecution is that the *de facto* complainant filed a private complaint before the XIII Additional Metropolitan Magistrate, Cyberabad, at Rajendranagar, stating that he is an absolute and exclusive owner of open house plot admeasuring 50-00 square yards, out of total extent of 100 square yards in Sy.No.66/1, situated at Madhura Nagar Colony, Rayadurgam, Serilingampally Municipality, having purchased the same from Late K.Raju Goud, S/o.Yadaiah Goud during his life time by virtue of an agreement of sale dated 20.02.2003 on payment of entire sale consideration of Rs.40,000/- and obtained a stamped

receipt for the same on 20.02.2003 and he was handed over the physical possession of the same.

4. Further, it is stated that on 02.07.2018, it has come to the knowledge of the *de facto* complainant that petitioner No.2/accused No.2, who being the adjacent neighbour to the *de facto* complainant's open house plot, had clandestinely, illegally encroached and forcibly occupied the open house plot of the *de facto* complainant and was trying to raise illegal constructions in the said plot belonging to the *de facto* complainant by threatening him with dire consequences. It is alleged that petitioner No.1 fraudulently tampered with the online database pertaining to the municipal records of Serilingampally Municipality and got her name included in the official database as the owner of house property bearing No.8-81/A, situated at Madhura Nagar Colony, Raidurgam, Serlingampally Mandal, Ranga Reddy District. It is further alleged that later, the petitioner/accused No.1 got transferred the said property in favour of the petitioner/accused No.2. It is further alleged that originally the said property is belonging to the *de facto* complainant. Basing on the said private complaint, a case in Crime No.325 of 2023 was registered by the Police, Raidurgam.

5. Learned counsel for the petitioners submits that a Suit in O.S.No.2862 of 2019 is pending on the file of learned Principal Senior Civil Judge, Ranga Reddy District, at L.B.Nagar, there are civil disputes pending between the *de facto* complainant and the petitioners herein and others seeking declaration and recovery of possession pertaining to the subject property, wherein the petitioners are contesting the matter and the said fact was suppressed by the *de facto* complainant. He further submits that the petitioners are innocents of the offences alleged against them and the allegations are civil in nature. Hence, prayed to grant anticipatory bail to the petitioners.

6. A perusal of the record would disclose that a civil suit is pending between the *de facto* complainant and the petitioners herein and others and as rightly argued by the learned counsel for the petitioners that the allegations mentioned in the present crime are purely appears to be civil in nature.

7. Having regard to the submissions made by the learned counsel for the petitioners/Accused Nos.1 and 2 and considering the facts and circumstances of the case, I am inclined to allow this Criminal Petition on following conditions:-

- i) The petitioners/accused Nos.1 and 2 are directed to surrender before the learned XIII Additional

Metropolitan Magistrate, Cyberabad, at Rajendranagar, within two weeks from the date of receipt of a copy of this order. On such surrender, the said Magistrate shall release the petitioners/accused Nos.1 and 2 on bail, on their executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties in a like sum each to his satisfaction.

- ii) On such release, the petitioners/accused Nos.1 and 2 shall appear before the concerned Station House Officer as and when their presence is required for concluding the investigation.
- iii) The petitioners/accused Nos.1 and 2 shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.

8. Accordingly, the Criminal Petition is allowed.

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**A.SANTHOSH REDDY, J**

4<sup>th</sup> May, 2023.

Note: Furnish CC by 05.05.2023

b/o

svl/sa

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Date:04.05.2023

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