

HONBLE SRI JUSTICE SAMBASIVA RAO NAIDU

CRIMINAL PETITION No.4647 OF 2023

ORDER:

The petitioner, who is shown as Accused No.11 in Crime No.98 of 2022 at Undavelly Police Station, Jogulamba Gadwal District, has filed this application under Section 438 of Cr.P.C. seeking pre-arrest bail. The petitioner is accused of offences under Sections 420, 467, 468, 471, 419, 120(b) read with 34 I.P.C.

2. The main allegation against the petitioner herein is that he purchased the property without verifying the link documents and again sold the same to some other persons.

3. As could be seen from the averments made in the complaint lodged by the de-facto complainant in Crime No.98 of 2023, it is alleged that when the de-facto complainant verified the encumbrance certificate, there were multiple sale transactions against his property which

includes purchase and sale of the property by accused No.11 herein.

4. Learned counsel for the petitioner states that Accused No.1 was already granted bail, after his remand. Accused Nos.4 and 5 were also granted anticipatory bail. This case was registered on 30.08.2022. As could be seen from the remand case diary dated 28.03.2023, the Investigating Officer arrested Accused No.2 on 17.01.2023 and Accused Nos.1, 7, 8 and 9 were arrested on 17.02.2023, Accused Nos.10 and 12 were arrested and produced before the Trial Court on 28.03.2023. As per the said remand case diary, material witnesses were already examined. Therefore the question of tampering the evidence or influencing the witness by the petitioner may not occur.

5. The offence attributed against the petitioner herein is that he has purchased the property without verifying the link documents and therefore there is no necessity to

proceed with the investigation by sending Accused No.11 to judicial custody. Thereby, he can be granted with pre-arrest bail on some conditions.

6. Having considered the nature of the case and taking into consideration of the submissions made by learned counsel for the petitioner, this Court is of the view that the request of the accused No.11 can be considered by imposing certain conditions.

7. Resultantly, this Criminal Petition is allowed with the following conditions:-

- (i) The petitioner/accused No.11 is directed to surrender before the Court concerned on or before 25.05.2023. On such surrender, he shall be enlarged on bail on executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for the like sum each to the satisfaction of the Court concerned.

- (ii) In case, the petitioner/accused No.11 holds a passport, he is directed to surrender the same before the Court concerned.
- (iii) The petitioner/accused No.11 shall cooperate with the Investigating Officer for proper investigation of the case.
- (iv) The petitioner/accused No.11 shall not involve in any unlawful activity.
- (v) The petitioner/accused No.11 shall not leave the headquarters without the permission of the Court concerned.
- (vi) The petitioner/accused No.11 shall not tamper with the evidence in any manner.

JUSTICE SAMBASIVA RAO NAIDU

Date: 18.05.2023.
VSU/PNS