

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No. 4689 OF 2023

ORDER:

1. This petition is filed seeking to grant anticipatory bail under Section 438 of Criminal Procedure Code, 1973 (Cr.P.C). The petitioners are accused Nos.1 to 3 in Crime No.302 of 2023 of Mailardevpally Police Station, Cyberabad. The offences alleged against the petitioners are under Section 420, 468, 471 of Indian Penal Code.

2. The sum and substance of case of the prosecution is that the complaint is filed by the Ex-President of TNGO's Cooperative House Building Society alleging that on 29.10.2020 petitioners/accused Nos.1 to 3 were selected along with the complainant for the executive body of TNGO's Cooperative House Building Society. Petitioners/accused Nos.1 to 3 conspired together and allegedly forged the resolution dated 14.08.2022 showing the complainant as signatory to the said resolution and executed registrations in favour of third parties and they are referred the various transactions. There are civil

cases pending in this regard. Criminal cases also registered in CC No.41 of 2019 and they are pending.

3. Learned counsel for the petitioners/accused Nos.1 to 3 contended that petitioners/accused Nos.1 to 3 are parties to the resolution and there is no forgery of resolution and a false complaint has been made against them.

4. Learned Public Prosecutor stated that the resolution dated 14.08.2022 was sent for Forensic Laboratory to verify the forgery aspect. It may take two or three months time to obtain reports from the Forensic Laboratory.

5. Considering the contentions of both the parties, the entire case revolves around the truthfulness of resolution dated 14.08.2022, which is foundation for execution of other sale transactions. There are claims and counter claims regarding the resolution dated 14.08.2022 and this claims and counter claims can only be removed, when the definite report is received from the Forensic Laboratory with regard to truthfulness of resolution dated 14.08.2022. Till then, the interest of the petitioners/accused Nos.1 to 3 can be protected. If the report received by the Investigating Agency is positive, they always at liberty to

resort all the powers vested with them including arrest of the petitioners/accused Nos.1 to 3, this order will not come into their way.

6. Accordingly, the Criminal Petition is disposed of on the following terms and conditions:

- (i) Police Station Mailardevpally is directed to release the petitioners/accused Nos.1 to 3 in the event of their arrest in Crime No.302 of 2023 and they shall be released on bail on their executing a personal bond for Rs.25,000/- (Rupees twenty Five thousand only) each with two sureties for a like sum each to the satisfaction of the above Police Station.
- (ii) The operation of bail is confined till the report received. If the report is positive, the Investigating Officer is at liberty to proceed with all the powers including arrest of the petitioners and this bail will not come in their way. If the report is negative, this bail operates till conclusion of criminal proceedings.
- (iii) The petitioners/accused Nos.1 to 3 shall appear before the Station House Officer, Mailardevpally Police Station, Cyberabad on every 1st and 4th Sunday of the month between 10.00 am and 05.00 pm for a period of six months.

- (iv) The petitioners/accused Nos.1 to 11 shall abide by the other conditions stipulated in Section 438 (2) Cr.P.C and co-operate with the Investigating Officer in investigating the case.
- (v) The petitioners/accused Nos.1 to 3 shall make available with the investigating agency for proper investigation and they shall fully cooperate with the investigating agency. They shall not act in any manner which will be prejudicial to fair and expeditious investigation.
- (vi) The petitioners/accused Nos.1 to 3 shall not indulge in similar kind of activities until conclusion of trial.

JUSTICE M. LAXMAN

16.06.2023
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