

THE HON'BLE SRI JUSTICE K. SURENDER
CRIMINAL PETITION NO. 6668 OF 2023

ORDER:

1. This Criminal Petition is filed under Section 438 of Cr.P.C. by petitioners/A1 to A3 seeking bail in the event of their arrest in connection with Crime No.9/2023 on the file of Genome Valley Police Station, Medchal-Malkajgiri District, registered for the offences punishable under Sections 467, 468 and 420 of the Indian Penal Code.
2. Heard learned counsel for the petitioners and learned Assistant Public Prosecutor for the respondent – State and perused the record.
3. Briefly, the case of the *de-facto* complainant is that the petitioners own a piece of land which is adjacent to the land of the *de-facto* complainant. The registered documents were being executed one after the other, according to the complainant by changing the boundaries. The said registrations are being done only to see to that the *de-facto* complainant does not have access to his land.
4. The learned counsel appearing for petitioners would submit that false case was earlier filed and again another case is filed.

The transactions are purely civil in nature and there is no criminality in the registrations done.

5. On the other hand counsel appearing for the *de-facto* complainant would submit that changing the boundaries in the subsequent deed of registration would amount to fabrication of documents and forgery. The same is being deliberately done. It would give rise to law and order situation in the circumstances.

6. He relied on the judgment of Hon'ble Supreme Court in ***George Kurian v. State of Kerala***¹ and argued that the Court has to look into the aspects of the likelihood of the offence being repeated, tampering evidence, interfering with investigation and the motive behind the crime. The learned Sessions Judge has given adequate reasons to dismiss the application and there are no grounds to grant Anticipatory Bail in the background of the crime committed by the petitioners in registering the documents which amounts to forgery.

7. It is not the case of the *de-facto* complainant that the petitioners have in any manner trespassed into his land. Whatever parent document contains regarding the boundaries, the same would be transferred to the subsequent document. Since all

¹ 2023 SCC On Line Ker 1414

the documents are registered and lying with the registration department, the protection of Anticipatory Bail can be granted to these petitioners on the following conditions.

- 1) The petitioners/A1 to A3 are directed to surrender before the Station House Officer, PS Genome Valley, Cyberabad, on 10.08.2023. On such surrender, the said Station House Officer shall release the petitioners/A1 to A3 on bail, on their executing personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties for a like sum each to his satisfaction.
- 2) On such release, the petitioners 1 & 2/A1 & A2 shall continue to appear, every day at 10.00 A.M. before the said Station House Officer, till 24.08.2023, for the purpose of investigation.
- 3) The petitioners/A1 to A3 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.

Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

K.SURENDER, J

Date :07.08.2023
Tk/BW

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Bw/Tk