

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.8574 of 2023

ORDER:

1. This Criminal Petition is filed under Section 438 of Cr.P.C. by the petitioner/Accused seeking bail in the event of his arrest in connection with Crime No.862 of 2023 on the file of Uppal Police Station, Rachakonda, registered for the offences punishable under Sections 406, 420, 467 468 and 471 of Indian Penal Code.

2. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State and perused the record.

3. The *de-facto* complainant lodged a complaint stating that A-1 had promised to get double bed room flat registered which were been given by the Telangana Housing Corporation. Accordingly, amounts were given by the *de-facto* complainant and two others to A-1, who inturn handed over certain documents which reflect sanction of flats in favour of the victims. However, later they came to know that the documents handed over by A-1 regarding sanction of flats are fake documents. A-1 was arrested and during the course of investigation, A-1 confessed that it was this petitioner and

another who had handed over fake documents to A-1, he inturn handed over them to the victims. Accordingly, the name of this petitioner and another were shown in the remand report of A-1.

4. Learned counsel appearing for the petitioner would submit that even according to the complaint, the victims never interacted with this petitioner. Except alleged confession of A-1, there is no other evidence which is collected by the Police to substantiate in any manner regarding involvement of this petitioner.

5. On the other hand, learned Public Prosecutor would submit that information would be known to the Police on the basis of confession and the Police would conduct investigation to know the correctness or otherwise of the confession made by the accused.

6. In the present case, it is alleged that this petitioner and another handed over fake documents of A-1 who inturn handed over them to the victims.

7. Admittedly, the only basis for implicating the petitioner is confession of A-1, which is inadmissible. However, keeping the interest of investigation, this Court deems it appropriate to

grant the relief of anticipatory bail to the petitioner, subject to the following conditions:

- 1) The petitioner/Accused is directed to surrender before the Station House Officer, Uppal Police Station, Rachakonda, on 15.09.2023. On such surrender, the said Station House Officer shall release the petitioner on bail, on his executing personal bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) with two sureties for a like sum each to his satisfaction.
- 2) On such release, petitioner/Accused shall appear before the concerned Station House Officer at 10.00 A.M everyday for a period of two weeks, for the purpose of investigation and thereafter, as and when required.
- 3) The petitioner/Accused 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, this Criminal Petition is allowed. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

K.SURENDER, J

Date : 12.09.2023
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CRIMINAL PETITION No.8574 of 2023
Dt.12.09.2023

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