

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY, THE NINETEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE DR. JUSTICE G.RADHA RANI

CRIMINAL PETITION NO: 1809 OF 2024

Between:

1. Mudhunuri Rama Konda Raju, S/o Siva Ram Raju, aged 48 years, Occ: Business, R/o 301, Sri Ram Residency, Plot No. 965/13, Vivekananda Nagar Colony, Kukatpally, Hyderabad.
2. Avula Ravinder Reddy, S/o Venkataram Reddy, aged 55 years, Occ: Business, R/o H.No.6-10-7/2, Vinayak Nagar, Balanagar, Hyderabad.
3. Avula Uma Mahesh Ready, S/o Jayarami Reddy, aged 50 years, Occ: Business, R/o H.No.12-4-156, Road No.1, Srinilayam, Pragathinagar, Moosapet, Hyderabad.

...PETITIONER/ACCUSED No.1 to 3

AND

The State of Telangana, Rep. by its Public Prosecutor, High Court of Hyderabad, Hyderabad.

...RESPONDENT

Petition under Section 438 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to enlarge the petitioner, on anticipatory bail in the event of arrest in relating to Crime No. 68 of 2024, dated 05.02.2024, on the file of Police Station Shankarpally, Cyberabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri KATIKA RAVINDER REDDY, Advocate for the Petitioners and the Public Prosecutor for the State of Telangana on behalf of the Respondent.

The Court made the following: ORDER

THE HONOURABLE DR.JUSTICE G.RADHA RANI**CRIMINAL PETITION No.1809 OF 2024****ORDER:**

This Criminal Petition is filed under Section 438 of Cr.P.C. by the petitioners/accused Nos.1 to 3 seeking to grant anticipatory bail in the event of their arrest in connection with Crime No.68 of 2024 on the file of Shankarpally Police Station, Cyberabad, registered for the offences punishable under Sections 420, 468, 471, 419 of Indian Penal Code.

2. The case of the prosecution in brief was that on 05.02.2024 at about 20:30 hours, the defacto complainant lodged a report before the police stating that he was the Managing Partner of firm by name Progressive Agro Services. Their firm owned land ad-measuring Acres 5.12 guntas in Survey Nos.334 & 335 of Shankarpally Village & Mandal, Ranga Reddy District, for which they have entered into registered Development Agreement-cum-GPA dated 10.08.2023 registered as Doc.No. 3703/2023 with SRO Shankarpally with M/s Project next Private Ltd., a company registered under the companies Act, for development of the said land. The Development Agreement-cum-GPA was executed validly and legally by him on behalf of the

firm. He received a legal notice regarding filing of W.P.No.32799 of 2023, wherein the petitioners herein had prayed to declare the above said Development Agreement-cum-GPA as null and void and were making false allegations that the said property was sold by the complainant under an unregistered sale deed dated 22.12.2010. The above said persons had not only forged his signatures on the said sale deed document, but played fraud by creating the said sale deed document, which he never ever signed. They also created a fake and forged death certificate (issued by the gram panchayat in Krishna District) showing him as died on 05.12.2014 in Krishna district, when he was alive and residing in Kakinada. The said sale deed was a made up document, brought into existence to grab the above stated property. The said persons claimed that he died in 2014, but the sale deed was validated in 2023. They also forged a registration document of the firm with the same name and number. But the said document attached to the writ petition papers would reveal the address of the firm as 7-9-6, Ramarao Peta, Kakinada, East Godavari District which address was not part of the original registration of firms issued by the Registrar of Firms. The seal of the Registrar of firm was also different on the forged document. They also forged the documents pertaining to Progressive

Agro Services showing the Pan Number as ABEFP0882E when the Pan Number of the firm was AAIFP7709D. Thus, the above persons had indulged in forging Government documents by creating fake pan card and also fake firm registration. The online EC obtained by him on 24.01.2024 would disclose that one Mudagula Vara Prasad on behalf of their Firm Progressive Agro Services had illegally and fraudulently and as part of conspiracy executed a sale deed document No. 287/2024 registered with SRO Shankarpally, in favor of one Mr. Neelam Goud, P. Ravindra Kumar, Pelimelli Prasanth and Kasthuri Hari Ranjani for the property of their firm, though the said Mudagula Varaprasad had no connection with the above Firm Progressive Agro Services and he had no right to deal with the subject property. Thus, the fraud was evident from the face of it as the sale deed was made for Rs. 42,40,000/- when the market value was 7,18,25,600/- as per the EC itself. Basing on the EC copy, the involvement of Mudagula Vara prasad and other so called purchasers with the active collusion of Sri B. Srinivas Sub-Registrar Shankarpally was revealed. He further submitted that a person by name Rakesh and others were following him in Kakinada and were trying to throw him out of his property.

3. Basing on the said report, the Inspector of Police Shankarpally, registered a case in Crime No.68 of 2024 for the offences punishable under Sections 420, 468, 471 and 419 of Indian Penal Code.

4. Heard the learned counsel for the petitioners-accused Nos.1 to 3 and learned Additional Public Prosecutor for respondent-State.

5. Learned counsel for the petitioners-accused Nos.1 to 3 submitted that the matter was civil in nature, the petitioners were bonafide purchasers of the subject land. They had challenged the development agreement dated 10.08.2023 before this Court. The defacto complainant made omnibus allegations against the petitioners without ascertaining the facts. Even the police without conducting proper preliminary enquiry, registered the F.I.R against the petitioners which was bad in law, more particularly, when the very same police had registered an F.I.R against the respondent No.1, based on a complaint lodged by accused No.4 herein, i.e., M. Varaprasad *vide* Crime No.31 of 2024, dated 16.01.2024 for the offences punishable under Sections 419, 420, 468 and 471 of Indian Penal Code which was pending investigation. In the said complaint, accused No.4 i.e., Varaprasad Mudagula specifically alleged that his father namely

Veera Venkata Satyanarayana Rao (the defacto complainant-respondent No.1 herein) along with him started Progressive Agro Services Firm and his father had purchased the subject land in the name of the Firm through AGPA *vide* doc.No.1217 of 2006, dated 19.01.2006 and thereafter, a sale deed was also executed in their firm name *vide* doc.No.667 of 2008 and thereafter, respondent No.1 herein set up a false claim over the firm as well as over the subject land claiming to be the original owner. Based on the said complaint, the police had registered Crime No.31 of 2024.

6. Learned counsel for the petitioners further submitted that with their lifetime earnings, they purchased the subject land through sale deed, dated 22.12.2010 and later, got validated the same by paying the deficit stamp duty. The vendor of the petitioners i.e., Satyanarayana Rao MVV who claimed to be Managing Partner of M/s Progressive Agro Services Firm had alienated in their favour by receiving total sale consideration way back in the year 2010. Subsequently, the said person disappeared without any information or contact. When the petitioners came to know about the execution of the development agreement by respondent No.1, immediately they approached this Court and got filed W.P.No.32799 of 2023, as they were bonafide

purchasers of the subject land. Even if the allegations leveled in the complaint by respondent No.1 were taken to be true, the petitioners would become victims but not accused. The issue between the parties was sub-judice in W.P.No.32799 of 2023 filed by the petitioners herein and W.P.No.3036 of 2024 filed by the respondent No.1 herein in respect of the very same subject land. The police without verifying and conducting preliminary enquiry, registered the F.I.R against the petitioners which was nothing but abuse of process of law. The respondent No.1 was trying to settle scores by way of using criminal force with active aid of police which was not permissible under law. The petitioners had made specific representation on 13.02.2024 narrating the above facts. Despite the same, the police were trying to arrest the petitioners. The petitioners were apprehending their arrest, as such prayed to enlarge the petitioners on anticipatory bail in the event of their arrest.

7. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioners stating that the role played by the petitioners would need to be investigated.

8. Perused the record. The record would disclose that the

petitioners filed W.P.No.1560 of 2024 to quash the proceedings against them in the present crime and a protection was granted by this Court directing the Investigating Officer to follow the procedure laid down under Section 41-A Cr.P.C. and to follow the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar v. State of Bihar and another**¹ scrupulously.

9. The contention of the petitioners was that despite the directions of this Court, the respondent-police without issuing notice to them under Section 41-A Cr.P.C., were making enquiries about them. As such, they were apprehending their arrest and relied upon the judgment of *High Court of Karnataka (Dharwad Bench) in Ramappa @ Ramesh Vs. State of Karnataka through Range Forest Officer*² wherein it was held that:

“Despite the police issuing notice under Section 41-A Cr.P.C to the accused for appearance, the petitioner was entitled for anticipatory bail even after issuance of such notice”.

10. It was held in the above judgment that:

a person gets apprehension of being arrested in two situations:- firstly when a 'Notice' was issued to him under Section 41-A(1) of the Code and secondly, after complying the terms of 'Notice' the Police Officer forms an opinion that such person ought to be

¹ (2014) 8 SCC 273

² 2021 SCC Online Kar 12793

arrested or in a situation, such person fails to comply the terms of 'Notice' or was unwilling to 'identify' himself.

In all the above three situations such person can maintain an anticipatory bail application as Section 41-A of the Code does not stipulate the specific condition of notice or appearance."

11. The record also would disclose that there was a complaint registered against the defacto-complainant by the son of the defacto-complainant himself which was registered as Crime No.31 of 2024 for the offences under Sections 419, 420, 468 and 471 of Indian Penal Code which was pending investigation and the petitioners had filed W.P.No.32799 of 2023 and the respondent No.1-defacto complainant had also filed W.P.No.3036 of 2024 in respect of the very same subject land. As per the petitioners, the defacto complainant had alienated the subject property by receiving valid sale consideration way back in the year 2010 and as such, even if the allegations leveled in the complaint were true, they would become victims but not the accused.

12. Considering all the circumstances of the case and that both the defacto-complainant as well as his son filed cases against each other and the writ petitions filed by the petitioners as well as the defacto-complainant were pending and as all the offences registered against the accused were punishable with imprisonment for less than seven (7)

years, and a protection to the petitioners was also given by this Court to issue notice under Section 41-A Cr.P.C in Cr.P.No.1560 of 2024, it is considered fit to direct the respondent-police not to take coercive steps against the petitioners herein.

13. With the above directions, this Criminal Petition is disposed of.

No costs.

Miscellaneous applications, pending if any, shall stand closed.

Sd/- P.Ch.NAGABHUSHAMBA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Metropolitan Magistrate at Chevella, Ranga Reddy District.
2. The Station House Officer, Shankarpally Police Station, Cyberabad.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
4. One CC to SRI. KATIKA RAVINDER REDDY, Advocate [OPUC]
5. Two CD Copies

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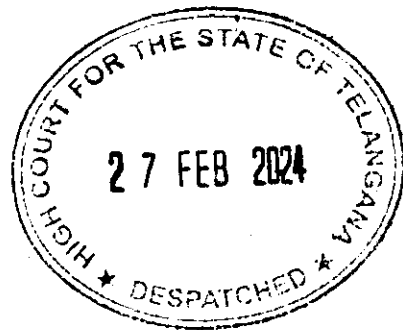
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HIGH COURT

DATED: 19/02/2024

**ORDER
CRLP.No.1809 of 2024**



DISPOSING OF THE CRL.PETITION

⑧
27/2/24.
F.B.