

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2821 of 2024

ORDER:

This Criminal Petition is filed by the petitioner – A1 under Section 438 of Code of Criminal Procedure for grant of anticipatory bail in the event of his arrest in Crime No.246 of 2022 on the file of PS Hayathnagar, Rachakonda Commissionerate registered for the offences punishable under Sections 417, 420, 467, 468, 471, 447 and 427 of IPC.

2. The case of the prosecution in brief was that on 10.03.2022, the de-facto complainant lodged a report before the Police stating that he was the owner of Plot No.15, admeasuring 299 square yards in Survey Nos.160 and 165 situated at Bagh Hayathnagar Village, Ranga Reddy District by virtue of registered sale deed document No.11168 of 1994 dated 19.09.1994 registered at SRO, Hayathnagar. Since then, he was in peaceful possession of the said plot. In the month of January, 2020, when he visited the said plot, to his surprise he noticed two constructed rooms in his plot. On enquiry, he came to know through one Gunji Ramu that he purchased the said property under registered sale deed in the name of his wife Gunji Sindhu and constructed the said rooms. The complainant on enquiry came to know that basing on a fabricated driving license in his name, an AGPA No.812 of 2010 dated 19.04.2010 was executed

in favor of one Smt.Golusula Yellamma, W/o.G.Venkanna. Further, the said AGPA holder Smt.Golusula Yellamma executed a registered sale deed bearing document No.4954 of 2019 dated 18.07.2019 in favor of her husband Golusula Venkanna. Thereafter, the said Golusula Venkanna executed two registered sale deeds bearing document Nos.6146 of 2019 and 6147 of 2019 dated 17.09.2019 before SRO, Hayathnagar in favor of Smt.Gunji Sindhu.

2.1. He further stated that the petitioner along with Golusula Venkanna, Smt.Golusula Yellamma, Gunji Sindhu and Gunji Ramu colluded with each other, played fraud and cheated him by executing AGPA No.812 of 2010 and registered sale deeds basing on forged, fabricated and created documents and grabbed his property.

3. Basing on the said report, the above crime was registered against A1 to A5.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent – State.

5. Learned counsel for the petitioner submitted that the petitioner – A1 was neither a party nor a witness to the alleged forged documents. The petitioner – A1 had never impersonated nor forged the signature of the complainant. The document was alleged to be executed in the year 2010. After lapse of 12 years,

the complainant made the present complaint and prayed for grant of anticipatory bail to the petitioner.

6. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner stating that the matter has to be investigated to ascertain the true facts.

7. Perused the record.

8. Considering the submissions of the learned counsel for the petitioner and the learned Additional Public Prosecutor, as the case of the de-facto complainant was that the petitioner impersonated the de-facto complainant and executed an AGPA No.812 of 2010 dated 19.04.2010 in favor of one Golusula Yellamma and the said fact would need to be ascertained by sending the same to the forensic expert and though the case was registered in March 2022, there is no progress in the investigation, it is considered fit to direct the petitioner to appear before the Station House Officer of PS Hayathnagar, Rachakonda Commissionerate and to give his sample signatures and thumb impressions to be sent to the experts for comparison.

9. In the result, the Criminal Petition is allowed and the petitioner – A1 is granted anticipatory bail subject to following conditions:

- (i) The petitioner – A1 is directed to surrender himself before the Station House Officer of PS Hayathnagar, Rachakonda

Commissionerate within a period of (15) days from the date of this order, and on such surrender, the SHO of PS Hayathnagar, Rachakonda Commissionerate shall release the petitioner – A1 on bail on his executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with two sureties for a like sum each to the satisfaction of the SHO of PS Hayathnagar, Rachakonda Commissionerate.

(ii) The petitioner – A1 shall co-operate with the Police and shall give his signatures or finger impressions as required to send them to the forensic expert for comparison.

(iii) The petitioner – A1 shall comply with the conditions stipulated under Section 438(2) of Cr.P.C. and shall appear before the Investigating Officer as and when required by him for the purpose of investigation.

As a sequel, miscellaneous applications pending in this petition, if any shall stand closed.

Dr. G. RADHA RANI, J

Date: 18th March, 2024
Nsk.