THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3135 OF 2024

ORDER:

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking anticipatory bail to the petitioner-Accused No.8 in Crime No.68 of 2024 on the file of the Station House Officer, Shankarpally Police Station, Cyberabad, registered for the offences under Sections 420, 468, 471 and 419 IPC, for which subsequently, Sections 467 and 120B were also added.

2. The case of the prosecution in brief was that on 05.02.2024 at 20.30 hours, the de facto complainant lodged a report before the Police, Shakarpally, stating that he was the Managing Partner of a Firm by name, Progressive Agro Services with Registration No.90 of 2005 registered with the Registrar of Firms, Kakinada having PAN No.AAIFP7709D. Their Firm owned land admeasuring Acs.5.12 gts., in Sy. Nos.334 and 335 of Shankarpally village and Mandal, Ranga Reddy District, Telangana State and they entered into a Development Agreement cum General Power Attorney, dated 10.08.2023, with M/s.Projectnxt Private Limited, a company registered under the companies Act, for development of the said land, registered with the SRO, Shankarpally. The said document was also clearly

reflected in the Encumbrance Certificate on the website of the Department of Registration, Government of Telangana. While so, he received a legal notice regarding filling of Writ Petition No.32799 of 2023 by Maddunuri Ramakonda Raju and others to declare the Development Agreement cum GPA dated 10.08.2023 executed by him as null and void with false allegations that the said property was sold by him under an unregistered sale deed dated 22.12.2010. On going through the affidavit filed along with the writ petition, it was shockingly revealed that the said persons had not only forged his signatures on the said sale deed document, but also created a fake and forged death certificate of him showing him as died on 05.12.2014 in Krishna District (issued by the Gram Panchayat in Krishna District), while he was alive and residing in Kakinada. The malpractices and fraud committed by the said persons was clear from the fact that the sale deed document was stated to be executed on 22.12.2010, but the notary thereon was dated in 2012. This sale deed was clearly a made up document, brought into existence to grab the above stated property of the Firm. Though the said persons claimed that he died in 2014, they got the sale deed validated in 2023. They also created forged documents of the PAN Card of the firm and also got the forged sale deed validated in 2023 as part of this conspiracy. The competent authority, on enquiry, cancelled the death certificate as a fake document. The said persons had also forged the registration certificate of the Firm with the same name and number, but the address of the firm was mentioned as 7-9-6, Ramaraopet, Kakinada, East Godavari District, which was not the address shown in the original Registration of Firm issued by the Registrar of Firms, Kakinada. The seal of the Registrar of Firms was different on the forged documents produced by the said persons. They also forged the document pertaining to Progressive Agro Services showing the PAN number as ABEFP0882E, whereas the PAN number of the Firm was AAIFP7709D. Thus, the above persons had also indulged in forging the government documents by creating fake PAN card and also fake firm registration.

2.1 He further submitted that when the online EC was obtained on 24.01.2024, it was seen that one Mudagula Varaprasad on behalf of the Firm Progressive Agro Services had illegally and fraudulently executed a sale deed document No.287/2024 registered with the SRO Shankarpally, in favour of one Mr.Neelam Goud, P. Ravindra Kumar, Pelimelli Basanth and Kasthuri Hari Rangoni for the property of their Firm, though the said Mudagula Varaprasad had no connection with their firm Progressive Agro Services and though he had no right to deal with the above subject property. The fraud was evident on the face of it as the sale deed was made for Rs.42,40,000/-

when the market value of the property was Rs.7,18,25,600/- as per the EC itself. The complainant also asked to investigate the role of the Sub-Registrar, Shankarpally for registering the sale deed when the EC was showing a subsisting Development Agreement cum GPA registered.

3. Basing on the said report, the above crime was registered for the above offences. A1 to A4 were arrested on 16.03.2024.

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-A8 was a bonafide purchaser of the property along with A6, A7 and A9. The police falsely implicated the petitioner as accused. The petitioner was a businessman and not concerned with the above crime. He initiated a civil case along with A6, A7 and A9 vide O.S. No.81 of 2024 on the file of the District Judge, Ranga Reddy District seeking the relief of declaration and perpetual injunction with regard to the suit schedule property and obtained ex parte ad-interim injunction order vide I.A. Nos.61 and 62 of 2024 on 01.02.2024. The present case was registered on 05.02.2024 subsequent to it. The name of the petitioner was not stated by the de facto complainant in his report. Except the offence under Section 467 IPC, all the other offences

alleged were punishable with imprisonment for less than 7 years. Section 467 IPC prima facie was not applicable to the petitioner, and prayed for grant of anticipatory bail to the petitioner.

6. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner.

7. Perused the record. Considering that the name of the petitioner was not found in the FIR lodged by the de facto complainant and the remand report of A1 to A4 would disclose that the petitioner was one of the purchasers of the suit schedule property from A1 and it was A1 to A5 who created the forged documents, Aadhar card, PAN card, death certificate and other documents and Section 467 I.P.C. prima facie is not applicable to the petitioner herein and as a bonafide purchaser he also initiated a civil suit against the de facto complaint prior to lodging the criminal case by the de facto complainant against him and also obtained an interim relief in his favour, it is considered fit to grant anticipatory bail to the petitioner on certain conditions.

8. Accordingly, the Criminal Petition is allowed and the petitioner-A8 is granted anticipatory bail subject to the following conditions:

1. The petitioner-Accused No.8 is directed to surrender before the Station House Officer, Shankarpally Police Station, Cyberabad within a period of (15) days from the date of this order and on such surrender, the said Station House Officer shall release the petitioner 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 said Station House Officer.
2. The petitioner-A8 shall abide by the conditions stipulated under Section 438(2) of Cr.P.C.
3. The petitioner-A8 shall appear before the Investigating Officer as and when his presence is required and submit all the necessary documents and information available with him as required and co-operate in completion of investigation.

Miscellaneous applications, pending if any, shall stand closed.

Dr. G.RADHA RANI, J

March 22, 2024
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