

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.3312 of 2024

ORDER:

This Criminal Petition is filed by the petitioner – accused under Section 438 of Code of Criminal Procedure for grant of anticipatory bail in the event of his arrest in Crime No.791 of 2022 on the file of Chanda Nagar Police Station, Cyberabad District, registered for the offences punishable under Sections 420, 468 and 471 of IPC.

2. The case of the prosecution in brief was that on 16.09.2022, the *de facto* complainant – the elder brother of the petitioner lodged a report before the Police stating that his younger brother Mr.Y.Harshavardhan Reddy i.e. the petitioner herein forged his signature on the ‘No Objection Affidavit’ and got transferred the title of power connection (TSSPDCL) in his name with a dishonest intention and committed forgery for the purpose of cheating.

3. Basing on the said report, the above crime was registered and notice under Section 41-A of Cr.P.C. was issued to the petitioner herein.

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 was apprehending that Police would invoke Section 467 of IPC against him, as such, prayed for grant of anticipatory bail to the petitioner.

5.1. He further submitted that the father of the petitioner as well as the *de facto* complainant during his life time had executed a Will in favor of *de facto* complainant on 10.06.2003 and subsequently by revoking the earlier Will, the father executed another Will in the name of the petitioner – accused for the house property on 04.06.2015. The father died on 13.05.2021. The *de facto* complainant addressed a letter to the Southern Power Distribution Company seeking information with regard to the transfer of service connection from the name of their father late Sri Y.Avula Reddy to the petitioner herein Sri Y.Harshavardhan Reddy on 03.09.2021 and the said information was provided to him on 16.09.2021. As such, the *de facto* complainant was aware of the said transfer of power connection by 16.09.2021 itself but lodged the present report on 16.09.2022, a year later. There were also civil disputes pending between the *de facto* complainant and the petitioner herein. The *de facto* complainant executed a gift deed with regard to the subject property in favor of his wife Janaki on 28.07.2021, basing on the Will executed by his father on 10.06.2003 in his favor. The petitioner filed O.S.No.215 of 2021 for cancellation of the said gift deed. The *de facto* complainant filed written statement in the said suit on 22.01.2022. The wife of the *de facto* complainant also filed W.P.No.8807 of

2023 for the inaction of the Police. A counter was filed by the Police in the said Writ Petition stating that they were taking action to obtain the specimen signatures of the petitioner herein. As such, the petitioner was apprehending that Section 467 of IPC would be added and that he would be arrested 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.

8. Considering the delay in lodging the report and as the *de facto* complainant got knowledge of the alleged forgery committed by the petitioner on 'No Objection Affidavit' with regard to transfer of title of power connection on 16.09.2021 itself but lodged the report after one year on 16.09.2022 and considering the civil disputes pending between the family members and though a notice was issued to the petitioner under Section 41-A Cr.P.C., however he was apprehending his arrest and also considering the submission of the learned Additional Public Prosecutor that the specimen signatures of the petitioner are required for further investigation of the case, it is considered fit to grant anticipatory bail to the petitioner on certain conditions.

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

(i) The petitioner – accused is directed to surrender himself before the Station House Officer of PS Chanda Nagar, Cyberabad District within a period of (15) days from the date of this Order, and on such surrender, the SHO of PS Chanda Nagar, Cyberabad District shall release the petitioner – accused on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer.

(ii) The petitioner – accused shall comply with the conditions stipulated under Section 438(2) of Cr.P.C.

(iii) The petitioner shall co-operate with the Investigating Officer and shall give his specimen signatures or whatever information or documents necessary for conducting further investigation as required by the Investigating Officer.

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

Dr. G. RADHA RANI, J

Date: 1st April, 2024
Nsk.