

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3341 OF 2024

ORDER:

This Criminal Petition is filed by the petitioners-accused Nos.1 and 2 under Section 438 of Code of Criminal Procedure, 1973 (for short “Cr.P.C.”) for grant of anticipatory bail to them in the event of their arrest in Crime No.48 of 2024 on the file of the Station House Officer, Hanumakonda Police Station, Warangal District, registered for the offences punishable under Sections 420, 467, 468, 471, 474, 120 read with 34 of IPC.

2. The case of the prosecution in brief was that on 30.01.2024 at 20.00 hours, the *de-facto* complainant, the Assistant City Planner, Greater Warangal Municipal Corporation, Warangal lodged a report against the petitioners herein stating that petitioner No.1 and her husband, petitioner No.2 had made an application for permission of construction of ground + 2 floors on 30.10.2018. In the said application, they stated that a house was lying since 1984 and 1993 and created an assessment document and enclosed the same as issued by the GWMC, but GWMC did not issue that certificate and they got building permission without paying 14% LRS fee. The same came to their knowledge, as per the complaint lodged by one Lyadella Ravinder before the Corporation and also through the orders passed in W.P.No.43014 of 2022 dated 02.09.2022 wherein the Corporation was directed to conduct enquiry. The Corporation after

conducting enquiry, cancelled the permission No.3006/15487/42/2018 dated 16.12.2018 and requested the police to take action against the petitioners who produced false documents and obtained permission for construction of the house. Basing on the said report, the above crime was registered for the above offences.

3. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners submitted that the petitioner No.1 was a house wife and petition No.2 was working as police constable. The petitioners purchased the property in the year 2003 and assessment was made in the year 2011 and in the year 2018, on the basis of the documents i.e., sale deeds and gift deed pertaining to the years 2003 and 2006 and the assessment made in the year 2011 produced by them, on verification, permission was given by the GWMC in the year 2018. The offence under Section 467 would not attract to the petitioners, the said Section was invoked only to deny issuance of notice to the petitioners under Section 41-A of Cr.P.C.. There was a delay of 141 days in lodging the complaint. The complaint was lodged at the instance of one Ravinder. The petitioners had lodged a complaint against the said Ravinder, which was registered as Crime No.46 of 2019 in Hanumakonda Police Station, Warangal District and the petitioners also filed Writ Petitions against the said Ravinder vide W.P.Nos.6513 of 2021, 22457 and 24476 of 2019 for removing the

illegal constructions made by him and a direction was given in the said writ petitions, to remove the illegal constructions. The GWMC was made as a party in the said writ petitions. Aggrieved by the same, the said Ravinder lodged a complaint against them before the GWMC and GWMC lodged the present complaint against them, which was false and prayed to enlarge the petitioners on anticipatory bail.

5. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioners stating that as per the complaint filed by the *de-facto* complainant, the petitioners had submitted forged documents as issued by GWMC, but GWMC did not issue the said certificate and they obtained building permission without paying 14% LRS fee, as such, the petitioners were not entitled to be released on anticipatory bail.

6. Perused the record. Considering the submissions of the learned counsel for the petitioners that the petitioners lodged a complaint against one Ravinder, which was registered as Crime No.46 of 2019 and also filed writ petitions to remove the illegal constructions made by him and an order was passed against him and he lodged the complaint against the petitioners in retaliation in 2022 and an authorization was given to the *de-facto* complainant by the Municipal Commissioner on 31.08.2023, but the present complaint was lodged by the Assistant City Planner on 30.01.2024 with a delay of 141 days and

the said compliant was relating to a forged assessment document pertaining to the year 2011 alleged to be produced by the petitioners in the year 2018 and no notice was issued by the GWMC demanding payment of LRS and the entire evidence against the petitioners was documentary in nature and their custody is not required for completing the investigation, it is considered fit to enlarge the petitioners on anticipatory bail on certain conditions.

7. Accordingly, the Criminal Petition is allowed and the petitioners shall be released on anticipatory bail subject to the following conditions:

- 1) The petitioners are directed to surrender before the Station House Officer, Hanumakonda Police Station, Warangal District, within a period of 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioners on bail, on their 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.
- 2) The petitioners shall abide by the conditions stipulated under Section 438(2) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

March 28, 2024
SS

Dr. G.RADHA RANI, J