

THE HON'BLE Ms. JUSTICE B.S.BHANUMATHI

Criminal Petition No.1136 of 2023

ORDER:

This Criminal Petition is filed under Section 438 Cr.P.C. seeking anticipatory bail to the petitioner/A-1 in Crime No.487 of 2022 dated 23.12.2022 of Alipiri Police Station, Tirupati registered for the offences punishable under Sections 420, 406, 467, 468, 471, 474, 506 r/w 34 IPC.

2. Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor representing the respondent/State.

3. The main contention of the prosecution is that though P.Tirupalamma, the *de facto* complainant is alive, by showing her as 'died', her property was sold and false documents were created.

4. The learned counsel for the petitioner submitted that the petitioner is also a victim in the hands of A-2, who has created a false document of family certificate and has shown herself as daughter of Subbaiah Chetty and Tirumalamma and further Tirumalamma was also shown as 'died' and basing on such a document, the petitioner purchased the property under a registered sale deed from A-2 on 20.09.2022 and therefore the petitioner has not committed any offence. He further submitted that the dispute is in civil nature and suits were also filed.

5. Learned Assistant Public Prosecutor opposed the petition stating that the petitioner has in turn sold the property to A-5 in December, 2022 shortly after the sale deed dated 20.09.2022 and the investigation is not yet completed.

6. Perused the record.

7. As can be seen from the allegations and the transactions entered into by the petitioner, it would go to show that there is *prima facie* well founded accusation against the petitioner as well. It is premature to make any comments on the guilt or innocence of the petitioner. At this juncture, the petitioner is not entitled to anticipatory bail.

8. In the result, the Criminal Petition is dismissed.

Pending miscellaneous petitions, if any, shall stand closed.

Dt.06-03-2023

PNV

B.S.BHANUMATHI, J