

HON'BLE SRI JUSTICE K. SURESH REDDY**CRIMINAL PETITION No.5977 of 2023****ORDER:**

All the accused in Cr.No.215 of 2023 of Dowaleswaram Police Station, East Godavari District, filed the present Criminal Petition, under Section 438 of Cr.P.C., seeking pre-arrest bail. The above crime was registered against the petitioners for the offences punishable under Sections 120(b), 420, 467, 468, 471, 384, 511 & 506 read with 34 of IPC.

2. Though the present application is filed on behalf of petitioner Nos.1 to 8/A.1 to A.8, Sri Turaga Sai Surya, learned counsel for the petitioners, seeks permission of this Court to withdraw the present application in so far as petitioner Nos.1 and 2/A.1 & A.2 are concerned.

3. Permission is accorded.

4. Accordingly, present criminal petition is dismissed as withdrawn, as against the petitioner Nos.1 and 2/A.1 & A.2.

5. Case of the prosecution in brief is that, the *de-facto* complainant and his friend purchased an extent of Ac.3-00 cents of land situated in RS No.98/1 under an agreement of Sale-cum-General Power of Attorney, dated 28.03.2017 from one Chinna Lakshmi. The said sale-cum-General Power of Attorney was registered at the Office of Sub-Registrar, Kadiyam on 31.03.2017 vide document No.982/17. While so, A.1 and A.2 created certain fake documents, as if, they have purchased an extent of Ac.0-50 cents out of Ac.3-00 cents from one Rahelamma, said to be the wife of M.Krishna,

under a registered sale deed, dated 25.04.2016. It is alleged by the *de-facto* complainant that the said registered sale deed is a fake document created by A.1 and A.2. Subsequently, A.1 and A.2 sold the said property in favour of A.3, vide registered sale deed, dated 18.09.2021. Thereafter, A.3 sold the same to A.5 and subsequently to other accused. On the basis of the said allegations, the present crime is registered.

6. Sri K.Chidambaram, learned senior counsel representing Sri Turaga Sai Surya, learned counsel for the petitioners, contends that so far as the petitioner Nos.3 to 8/A.3 to A.8 are concerned, they are only *bona-fide* purchasers and even, according to the prosecution, there is no allegation that these people created fake documents and it is only against A.1 and A.2, who created fake and forged documents. As such, he requests this Court to grant pre-arrest bail to the petitioner Nos.3 to 8/A.3 to A.8.

7. On the other hand, learned Assistant Public Prosecutor opposed the bail petition.

8. This Court perused the entire material on record. In view of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner Nos.3 to 8/A.3 to A.8 with certain conditions.

(i) The petitioner Nos.3 to 8/A.3 to A.8 are directed to surrender before the Station House Officer, Dowaleswaram PS, East Godavari District, within a period of ten (10) days from today.

(ii) On such surrender, the Station House Officer, Dowaleswaram PS, is directed to release the petitioners/A.3 to A.8 on bail on their furnishing

personal bonds for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties for a like sum each to his satisfaction.

(iii) On release, the petitioners/A.3 to A.8 shall appear before the Station House Officer concerned, on every Sunday between 10.00 a.m. and 05.00 p.m., until further orders.

(iv) Further, the petitioners are directed to cooperate with the investigation and not to tamper with the prosecution witnesses.

9. Accordingly, the Criminal Petition in so far as petitioner Nos.3 to 8/A.3 to A.8 is allowed.

Date: 29.08.2023
BSS/PND

Justice K.SURESH REDDY

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