

(2025) 01 AP CK 1563

In the Andhra Pradesh High Court, Amaravati

Case No : Criminal Petition No: 6965 OF 2024

Shaik Mahaboob Subhani @ Mabu Subhani

APPELLANT

Vs

State Of Andhra Pradesh

RESPONDENT

Date of Decision : 30-01-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 482
Indian Penal Code, 1860 — Section 34, 120(b), 419, 420, 468, 471

Citation : (2025) 01 AP CK 1563

Hon'ble Judges : Dr. Venkata Jyothirmai Pratapa, J

Bench : Single Bench

Advocate : Dr Sayyed Babu Shaik

Final Decision : Allowed

Judgement

Venkata Jyothirmai Pratapa, J

1. The instant Criminal Petition, under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [for short, 'B.N.S.S'], is filed on behalf of the petitioner/accused No.9 seeking anticipatory bail in Crime No.1154 of 2023 of Nallapadu Police Station,, Guntur District.

2. A case has been registered against the petitioner/ Accused No.9 and others for the offence punishable under Sections 419, 420, 468, 471, 120(b) read with 34 I.P.C.

3. Case of the prosecution, in brief, is that the defacto complainant is the G.P.A holder of one Venigalla Praveen. Venigalla Praveen purchased a site in an extent of 1,396 Sq.yds in the year 1998. Subsequently, Accused No.1 by colluding with other accused and officials have created fake death certificates of Venigalla Praveen, who is residing in U.S.A and his wife Sesha Rathnam and family member certificate also. Pursuance of those fake documents, the Accused No.1 executed certain documents regarding the property to other accused, who in turn executed documents in favour of others. Hence, the complaint.

4. Heard Mr. Dr. Sayyed Babu Shaik, learned counsel for the petitioner and Ms.K.Priyanka Lakshmi, learned Assistant Public Prosecutor for Respondent.

5. Having heard the arguments of both the counsels, the point that would arise for determination would be:

"Whether there are any justifiable grounds to release the petitioner on anticipatory bail or not?"

6. Learned counsel for the petitioner would submit that a Civil Suit has been filed by defacto complainant in O.S.No. 172 of 2023 on the file of District Judge, Guntur seeking declaration of title and also for cancellation of the sale deeds, which were executed by Accused No.1 in favour of Accused Nos. 2 to 7 and also the documents executed by Accused No.2 to 7 in favour of third parties and consequential permanent injunction against 15 persons. The petitioner herein is the Accused No.9, who was shown as defendant No.9 in the said suit.

7. Learned counsel would further submit that Accused Nos. 2 to 8 were released on bail. Crucial part of investigation is completed and the allegations made against the present petitioner is that Accused No.7 has executed a General Power of Attorney-cum- Agreement of Sale in favour of the present petitioner/ Accused No.9 on 12.07.2023 to an extent of 300 Sq.yds. In turn, the present petitioner also executed three sale deeds in favour of other Accused Nos. 10, 11 and 12.

8. Learned counsel would submit that the petitioner herein is a bonafide purchaser for valuable consideration without knowing any defect over the title of the property. A comprehensive civil suit is pending before the competent civil court. Defacto complainant filed a suit for declaration of title over the property. It is specifically alleged against Accused No.1 that she has created false Death Certificate and obtained Family Member Certificate and sold away the property as legal heir of the original owner. The petitioner/ Accused No.9 has got nothing to do with the said conspiracy, on the face of it, he has purchased the property under General Power of Attorney.

9. Learned counsel would submit that the petitioner is ready to co-operate with the investigation and furnish sureties to the satisfaction of the Court. Custodial interrogation is not required in this case. Accordingly, prays for granting anticipatory bail.

10. Learned Assistant Public Prosecutor for the State would submit that investigation is pending for seizure of some documents in this case. There are no criminal antecedents against the petitioner herein. As per the allegations he has purchased the property from Accused No.7.

11. Considering the submissions made and on perusal of the material on record, the petitioner herein is the General Power of Attorney Holder of Accused No.7 and sold away the property to Accused No.10, 11 and 12 under three Registered Sale Deeds. The alleged sale transactions between Accused No.1 in favour of Accused No.7; Accused No.7 in favour of Accused No.9 and Accused No.9 in

favour of Accused Nos. 10, 11 and 12 are the subject matter of the civil suit, since in O.S.No.172 of 2023, there is a prayer for cancellation of such sale deeds. As the custodial interrogation of the present petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner on the following conditions:

- i) The petitioner/ Accused No.9 shall appear before the concerned Magistrate Court, within 15 days from today and shall furnish personal bond for Rs.20,000/- (Rupees twenty thousand only), with two sureties for the like sum each, to the satisfaction of the concerned Magistrate Court;
- ii) The petitioner shall appear before the Station House Officer, concerned, once in a week i.e on Sunday between 10.00 a.m and 5.00 p.m.
- iii) The petitioner shall be available for investigation as and when required by the Investigating Officer;
- iv) The Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Investigating or Police Officer.

12. Accordingly, the Criminal Petition is allowed.