

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 2429 OF 2015

ORDER:

The petitioners, who are A-1 to A-3 filed the present application under Section 438 CrPC, seeking release in the event of their arrest in connection with Crime No.71 of 2015 of Saifabad Police Station, Hyderabad city, registered for the offences punishable under Sections 365, 347, 323 and 506 read with 34 I.P.C.

The case of prosecution is as under :

One Ch.V.N.Ravi Kumar, lodged a report on 14.02.2015 stating that the first petitioner agreed to purchase his land, for that A-1 is alleged to have paid Rs.50,000/- as advance and promised to pay the remaining within one month and get the land registered. But though one year has lapsed, the first petitioner did not come forward to pay the balance amount. As such the informant sold his land to another person for lesser rate in loss. After the sale, the informant tried to locate the first petitioner for returning the advance amount but his whereabouts were not known. On 29.01.2015 the informant's friend Mr. Sridhar invited him at Sai Prathap Residency at Lakdikapool, Hyderabad for lunch. Then the informant along with one C.V.N.L. Kantha Rao went there at around 2.00 p.m., and were enquiring at the reception about the Room number of Mr.Sridhar. At that point of time A-1 came there and asked him to come to Travels desk in the said hotel. When they went to Travel Desk, A-1 alleged to have asked them for advance amount which he paid him previously. The informant is alleged to have told him to have a talk about the same with the mediator Kuldeep Singh. It is alleged that A-1 and six persons beat the informant, pushed him into a Car bearing No.A.P.10-AG-3679 and took him to Kanukala Yella Redy Complex, Diamond point hotel building, Sikh village, Secunderabad. One Car bearing No. A.P.16-AY-5355 followed them upto the said place. It is said that after confining him in a room, the signatures were forcibly obtained and thumb impressions on revenue stamps affixed on three blank promissory notes, four plain papers and one ten rupee blank bond paper was obtained. A-1 is alleged to have threatened that he was involved in three murder cases but no case is proved against him till then. It is further averred that A-3 is the main leader in kidnapping, who wanted the issue to be settled for Rs.4,25,000/-. He demanded payment of amount within three months. All the accused are alleged to

have manhandled while taking the signatures and thumb impressions not only from the informant but also from one Kantharao who was also abducted along with the petitioner. One of the persons present there, who claimed himself to be from Intelligence Department, Vijayawada threatened the informant to eliminate him. The accused are alleged to have collected the amount which was with the informant. Basing on these allegations, the above report came to be lodged.

Learned counsel for the petitioners mainly submits that the question of petitioners demanding the amount does not arise as there was an agreement of sale between the informant and the wife of A-1. Since substantial amount was paid by virtue of the agreement of sale, the informant himself was dodging registration of crime on one pretext or the other. He further submits that entire case is false, fabricated and invented to avoid registration.

Learned Public Prosecutor submits that the involvement of the accused in committing the offence is captured in C.C. camera footage in the Hotel and therefore the question of falsity of report does not arise.

The material placed on record would disclose that the agreement of sale was alleged to have executed in the month of February 2014. It was between the informant and wife of A-1. The said document is an unregistered document and was in respect of an agricultural land to an extent of Ac.17.00 in Survey No.29, 30 and 34, Karnataka State. The case on hand is silent as to the location of the land. It only refers to a transaction wherein a sum of Rs.50,000/-, was alleged to have been paid by A-1 to the informant. Since A-1 did not turn up, he sold the land to third person and was in search of A-1 for payment of the amount. Therefore, no concrete material is placed before this Court to show that the transaction in question relate to the agreement of sale dated 05.02.2014. Further, if really, the agreement of sale was on 05.02.2014 and if the argument of the petitioner is to be accepted, no material is placed to show as to why the wife of A-1, who entered into the agreement of sale in February 2014 kept quiet till 2015 without initiating any action. From the averments in the report show, it was A-1, who played an active role not only in beating and abusing the informant but also abducting the informant which is alleged to have been captured on CCTV cameras. Insofar as the second petitioner is concerned, he appears to be the owner of the Car in which the informant and another person were abducted. The third petitioner, who claims himself to be from the family of the Chief

Minister, is alleged to have threatened the informant to pay Rs.4.25 lakhs and forced him to sign on plain papers. Therefore, the averments in the report disclose specific role of participation being attributed to the first and third petitioners. Hence, I am not inclined to grant bail to the petitioners 1 and 3. Since no specific role is attributed to the second petitioner, he can be submitted to anticipatory bail.

Accordingly, the criminal petition is allowed in part by directing the petitioner/A-2 to surrender himself before the Station House Officer, Saifabad Police Station, Hyderabad City, within a period of fifteen days from today and on such surrender, the petitioner/A-2 shall be released on bail on his executing personal bond for Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum each to the satisfaction of the same Station House Officer and on further condition that he shall report before the Station House Officer, Saifabad Police Station, Hyderabad City twice in a week i.e., on Wednesday and Saturday between 10.00 a.m., and 12.00 noon for a period of 4 weeks or till filing of charge-sheet whichever is earlier.

The petition insofar as the petitioners/A-1 and A-3 is dismissed.

C. PRAVEEN KUMAR, J

Date:13.04.2015

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