

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION NO.509 of 2015

ORDER :

The petitioner/A3 filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.224 of 2014 of Hussaini Alam Police Station, Hyderabad, registered for the offence punishable under Sections 420, 504, 506 r/w 34 I.P.C.

The averments in the F.I.R. would show that on 16.11.2014 at 16.30 hours, when the informant went to collect her monthly rents to her house bearing No.20-2-519 and asked A1 to pay monthly rent and arrears of Rs.35,000/-, A1 is alleged to have abused the informant in filthy language, due to which the informant asked A1 to vacate the house. Then A1 stated to the informant that he would kill her, if she asked about the house and further stated that he is the follower of one rowdy sheeter, by name, Omer Bin Awad. A1 is alleged to have told the informant that he created forged documents and paying rent to some other person with a view to grab the property. Basing on the said allegations, the above report came to be lodged.

Heard the learned counsel for the petitioner and learned Public Prosecutor appearing for the respondent-State.

The learned counsel for the petitioner submits that the petitioner is the President of a Committee appointed by Waqf Board, for obtaining the Waqf property. It is further stated that though the premises of the informant is a Waqf property, the informant insisted the accused to pay the rent and when A1 refused to pay the same, a false complaint came to be lodged against him.

The learned Public Prosecutor on instructions opposed the application and contended that A1 and A2 were arrested and released on bail and as such the petitioner can also surrender and seek bail.

A perusal of the averments in the report would show that A1 took the house of the informant on a monthly rent of Rs.3,000/- p.m. in the year 2010 and paid rent upto February, 2014. Thereafter, with the advise of petitioner/A3, A1 was not paying rent to the informant. On the other hand, A1 was paying a sum of Rs.500/- to A3 and obtained receipts in the name of Masjid-E-Ahata Chanwer Peeran Rh. Hussainialam, Hyderabad, showing the property premises number as 20-2-513 whereas the original P.R.No. is 20-2-519.

Having regard to the said circumstances, I am not inclined to grant anticipatory bail to the petitioner. However, the petitioner shall appear before the concerned Magistrate and make an application after giving prior notice to the Public Prosecutor, in which event the same shall be dealt with the same on merits in accordance with law on the same day, keeping in view the bail granted to A1 and A2.

Accordingly, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

06.02.2015

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