

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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CRIMINAL PETITION No.11445 of 2016
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ORDER:

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The petitioners, who are A-1 and A-3 in Crime No.73 of 2016 of Ramapuram Police Station, YSR Kadapa District, preferred the present application under Section 438 Cr.P.C., seeking release in the event of their arrest in the above crime registered for the offence punishable under Sections 323, 364, 395, 447 and 506 read with 149 IPC.

The case of prosecution is as under:-

The informant herein established Sreemannarayana Charitable Educational Trust and is providing free education and hostel facility to the children of poor families under the trust. He has also established one Mineral water plant and supplying the mineral water to the surrounding villages free of cost. During this process he came into contact with A-1, who was doing finance business along with his brother Bhaskar Reddy (A-2) and Kandula Balil Reddy (A-3). He used to take finance from them and repay the same for the purpose of business. It is alleged that the accused were lending amount on high rate of interest. When the informant stopped the business they forced him to pay Rs.5,00,000/-, 15,00,000/- and Rs.20,00,000/- respectively to them at the rate of Rs.5/- though there was no need to pay the said amount to them. It is said that about two months back A-3 called him over phone and threatened him to pay the amount due failing which he threatened to kidnap and kill him. On 26.07.2016 at about 6.40 p.m., while the informant was present at the school, A-1 to A-3 along with six others came in a Innova type vehicle to the main gate of the school and forcibly entered into the premises by giving false particulars to the security person. Two persons got down from the vehicle and questioned the informant as to whether he is

Narayana, when the answer was affirmative, they closed the mouth and eyes with their kerchiefs and pushed him into the vehicle. The informant is said to have seen Pistols in the hands of A-1 to A-3 who threatened him that they will kill him if he raises his voice. They brought the informant to Kadapa, took him to Haritha Hotel and forced him to sign on the empty bonds and cheques under fear of threat. While kidnapping him at the school, his school staff and the niece of the informant raised cries and informed the same to Ramapuram police, who followed the vehicle on their motorcycles. It is alleged that these three accused beat him with hands, fisted him pointing out a gun towards his side, threatened with dire consequences, snatched away one gold chain from his neck, one Micromax cell phone and cash of Rs.60,000/- from his pocket. Seeing the school staff, the accused left the informant at the Haritha Hotel. Basing on these above allegations the present report came to be lodged.

Learned counsel for the petitioners submits that the allegations in the report are incorrect and a false case has been foisted. It is his case that though Haritha Hotel is situated opposite to the S.P. bungalow no report was given to the police. On the next day i.e., 24 hours later a report came to be lodged at Ramapuram police station which is at a distance of 32 kms from Kadapa town. In view of the above, he submits there is any amount of doubt with regard to the incident.

The same is opposed by learned Additional Public Prosecutor contending that there are number of witnesses to speak about the manner in which the accused abducted the informant and the statement of L.W.1 clearly indicates the manner in which was forced to sign on blank papers and cheques by putting him under fear of threat.

As seen from the Case Diary, about five witnesses, who were examined by the prosecution, speak about the manner in which the

incident took place. The statement of L.W.1 clearly speaks about the presence and participation of these two petitioners in the act of abduction and also forcing him to sign on blank papers. Truth or otherwise of these allegations cannot be tested in this application. *Prima facie* the record reveals that the three accused along with their followers forcibly trespassed into the educational institution, abducted the informant took his signatures on blank papers and cheques under fear of threat and coercion. Therefore, the argument of the learned counsel for the petitioners that there is no case against the petitioners, cannot be accepted. At this stage, the learned counsel for the petitioners submits that the second petitioner, who is aged about 70 years is having health problems and atleast his request may be considered.

In view of the above discussion the request of both the petitioners is rejected. However, the second petitioner, if so, advised to surrender before the concerned court and move an application seeking regular bail after giving prior notice to the Public Prosecutor and in which event the same shall be considered in accordance with law on the same day.

With the above direction, the criminal petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

Dt: 11.08.2016

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