

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**
MONDAY, THE TWENTY SEVENTH DAY OF NOVEMBER, TWO THOUSAND AND
SEVENTEEN
: PRESENT :
THE HONOURABLE DR JUSTICE SHAMEEM AKTHER

CRLP .No. 10995 of 2017

Between:-

Ch. Sudhakara Raju, S/o. Ch. Purnachandra Raju.

..... Petitioner/Accused No.5

AND

The State of Andhra Pradesh, Represented by its Public Prosecutor,
High Court of Judicature at Hyderabad, For the State of Telangana
And for the State of Andhra Pradesh.

...Respondent/Complainant.

Petition filed under Section 438 of Cr.P.C. praying that in the circumstances stated in the petition and grounds thereof, the High Court may be pleased to release the petitioner on bail in the event of his arrest in Crime No. 248 of 2017 on the file of the Police Station, P.M. Palem, Visakhapatnam, Visakhapatnam District.

The petition coming on for hearing, upon perusing the memorandum of grounds filed in support thereof and upon hearing the arguments of Sri A. Sudershan Reddy, Senior Counsel appearing on behalf of Sri M. Durga Prasad, Advocate for the Petitioners and the Addl. Public Prosecutor(AP) for the Respondent-State, the Court made the following

ORDER :-

“This Criminal Petition, under Section 438 of Cr.P.C., is filed by the petitioner/A.5, seeking anticipatory bail in the event of his arrest in connection with F.I.R. No.248/2017, on the file of P.M. Palem Police Station, Visakhapatnam City, registered for the offences under Section 447 R/w 34 I.P.C. and Sections 4 and 5 of the A.P. Land Grabbing (Prohibition) Act, 1982 (for short, ‘the Act’).

Heard Sri A.Sudershan Reddy, learned senior counsel, appearing on behalf of Sri M.Durga Prasad, learned counsel for the petitioner/A.5, learned Additional Public Prosecutor appearing for the respondent-State, and perused the record.

Learned counsel for the petitioner/A.5 would submit that the subject land bearing Survey No.19, admeasuring Ac.3.97 cents, situated at Rushikonda village, is not government land. As per the records, it is classified as ‘Gedda Poramboke’. The allegation against the petitioner/A.5 that he along with other accused grabbed the land is absolutely false. It is also false to state that the petitioner fabricated the documents relating to the subject land. The petitioner has nothing to do with the other accused and ultimately prayed to allow the Petition.

The learned Additional Public Prosecutor appearing for the respondent-State opposed grant of bail to the petitioner/A.5 stating that the petitioner is the main person among the other accused in fabrication of the documents to knock away the subject land and several crimes were registered against the petitioner/A.5 and ultimately prayed to dismiss the Petition.

Contd.2...

The specific allegation against the petitioner/A.5 is that in the year 2016, he entered into an oral conspiracy with other accused, in this case, agreeing to fabricate all the relevant documents in the revenue records with the help of Revenue and Registration officials and facilitate registration of the subject land. The subject land admeasuring Ac.3.97 cents in Survey No.19 of Rushikonda village is a zerayath (agricultural) land. Consequently, the petitioner/A.5 and A.1 prepared two documents *i.e.*, General Power of Attorneys and executed registered conveyance deed in favour of the other accused. The petitioner/A.5, who is an habitual offender, is an accused in Crime No.164 of 2015 of Bheemili Police Station, Crime No.189 of 2016 of P.M. Palem Police Station, Crime No.326 of 2017 of P.M. Palem Police Station, Crime No.748 of 2012 of Alwal Police Station and Crime No.559 of 2016 of Jubilee Hills Police Station, which are relating to cheating and fabrication of the documents.

As per the report lodged in this case by the Tahsildar, Visakhapatnam Rural, F.I.R. was registered against Sunil Kumar Agarwal (A.1) and Garikina Venkata Ravindra Sai (A.2) for the offences under Sections 447 R/w 34 and 4 and 5 of the Act. Further, as per the notification dated 22.09.2012 issued by the Tahsildar, Visakhapatnam (Rural), the subject land is shown as 'Gedda' village site. The contention of the prosecution is that the subject land is an agricultural land. If the *Gramakantam* land is in possession of any private persons, such private persons are required to be dispossessed in accordance with law. Moreover, the government cannot claim title over such land. Whether the petitioner/A.5 fabricated documents with the help of government officials or other accused can only be determined after the trial of the case. As per the F.I.R., there is no allegation against the petitioner/A.5. It is also pertinent to note that A.1 was granted bail by this Court *vide* order dated 15.09.2017 in Criminal Petition No.8307 of 2017, under Section 438 Cr.P.C. The issuance of notice to A.1 under Section 41-A of Cr.P.C. has no relevance to the instant bail application of the petitioner/A.5. The alleged involvement of the petitioner/A.5 in other criminal cases is yet to be adjudicated.

Having regard to the nature of allegations and the investigation conducted so far, it is not appropriate to deny bail to the petitioner/A.5, under Section 438 Cr.P.C. Accordingly, the Criminal Petition is allowed. The petitioner/A.5 is directed to surrender before the Station House Officer, P.M. Palem Police Station, Visakhapatnam District, within 15 days from the date of this order. On such surrender, the petitioner/A.5 shall be released on bail on his executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties in a like sum to the satisfaction of the above Station House Officer. Further, on release the petitioner/A.5 shall abide by the conditions mentioned in 438(2) Cr.P.C. and shall appear before the Station House Officer, P.M. Palem Police Station, on every Sunday, between 09:00 and 10:00 a.m., till filing of charge sheet.

In consequence, miscellaneous petitions, if any, pending in this Petition shall stand closed. ”

ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

- 1.The Station House Officer, P.M. Palem Police Station, Visakhapatnam City.
- 2.Two CCs to Public Prosecutor(AP), High Court of Judicature at Hyderabad.
(OUT)
- 3.One CC to Sri M. Durga Prasad Advocate(OPUC)
- 4.One spare copy.

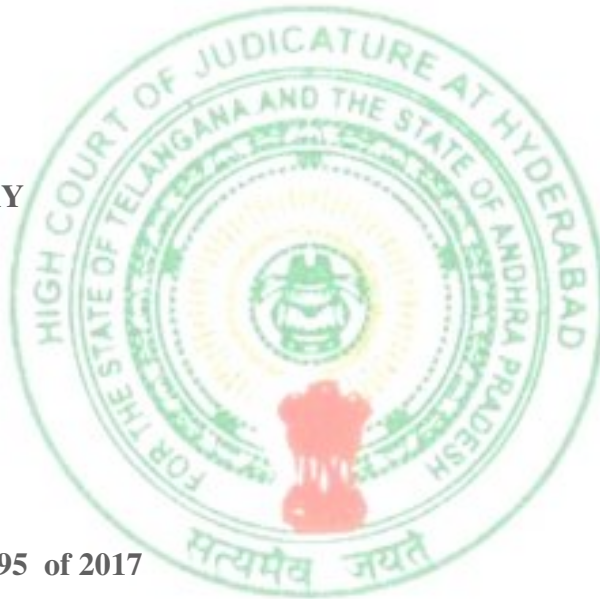
TKK

HIGH COURT

DR.SA.J

DT.27-11-2017.

**ANTICIPATORY
BAIL ORDER**



CRL.P.No. 10995 of 2017

**RELEASE THE PETITIONER
ON BAIL IN THE EVENT OF
HIS ARREST.**

**DRAFTED BY TKK
DT.28-11-2017.**

HIGH COURT

DR.SA.J

DT.27-11-2017.



**ANTICIPATORY
BAIL ORDER**

CRL.P.No. 10995 of 2017

**RELEASE THE PETITIOENR
ON BAIL IN THE EVENT
OF HIS ARRST.**