

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.11524 of 2017

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused No.4, for grant of anticipatory bail in the event of his arrest in Crime No.135 of 2017 on the file of the Bibinagar Police Station, Rachakonda Commissionerate, registered for the offences punishable under Sections 147, 148, 447, 455, 427, 323, 506 read with 149 of I.P.C.

2. Heard the learned counsel for the petitioner/accused No.4, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The learned counsel for the petitioner/accused No.4 would submit that the accused Nos.1 and 2 have got registered deeds in respect of land admeasuring Acs.7.16 guntas in Survey No.593, situated at Kondamadugu village. They have purchased the same from his vendor Koteswar Rao. Thereafter, the said land was divided into house plots and were sold to number of persons. The contentions of the de-facto complainant that the land is agricultural land and there is pomegranate crop aged 2 years in the said land and there is a building and labour rooms in the said land are absolutely false. The petitioner/accused No.4 has not made any attempt to trespass into the said land. All the

allegations made against the petitioner/accused No.4 are false and ultimately prayed to allow the application.

4. On the other hand, the learned Additional Public Prosecutor opposed the grant of bail to the petitioner/accused No.4.

5. As per the material placed on record, the land admeasuring Acs.9.16 guntas situated at Kondamadugu village was purchased by the de-facto complainant in the name of his son B.Naveen Kumar from the pattadar M.Kameshwar Rao, under a registered document No.572 of 2012, dated 06.02.2012. Thereafter, it is stated that the said land was developed by drip irrigation method, planting 5000 pomogranate trees, now aged two years. He has also constructed a building and labour rooms therein. When the petitioner/accused No.4 along with the other accused trespassed into the said land and damaged some part of fencing etc, he lodged a report with the police against all the accused to take necessary action. Basing on the said report, this case is registered and is under investigation. The material on record further reveals that accused No.1 was arrested and remanded to judicial custody. He confessed that he had fabricated a false General Power of Attorney in order to knock away the said land. He has also stated that he is resorting to such kind of practice to make quick money. In that process, he took the help of the petitioner/accused No.4 and others to reach to a settlement between him and M.Kameshwar Rao etc.

6. As seen from the material on record, the so called AGPA document executed by accused Nos.1 and 2 relates to the year

2013, whereas the de-facto complainant purchased the land in dispute in the year 2012 itself, i.e., prior to the execution of the said AGPA. It is brought to the notice of this Court that the petitioner/accused No.4 caused damage to the land of the de-facto complainant and his son. There is also specific mention in the First Information Report about the alleged participation of the petitioner/accused No.4 in the commission of offence. Alienating the same property twice, making an attempt to grab the land with the help of antisocial elements, causing nuisance and monetary loss to the de-facto complainant certainly constitutes offences punishable under the aforementioned sections of the Penal Code. Therefore, viewed from any angle, it is not a fit case to allow this application under Section 438 of Cr.P.C.

7. In the result, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

30th November, 2017
Bvv