

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

**TUESDAY, THE TWENTY SEVENTH DAY OF MARCH, TWO THOUSAND AND
EIGHTEEN**

: PRESENT :

THE HONOURABLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRLP .No. 3290 of 2018

Between:-

Bogyam Mallaiah, S/o. Ramudu, Occ : Agriculture and Rural Medical
Practitioner(RMP), R/o. Pentlaveyy Village & Mandal, Formerly Mahabubnagar
District, Presently Nagarkurnool District, State of Telangana..

..... Petitioner/Accused.

AND

The State of Telangana, Through P.S. Pentlaveyy, Nagarkurnool District,
Rep. by its Public Prosecutor, High Court of Judicature at Hyderabad,
For the State of Telangana and the State of Andhra Pradesh.

.....Respondent/Complainant.

Petition filed under Sections 438 of Cr.P.C. praying that in the circumstances
stated in the Grounds of Criminal Petition, the High Court may be pleased to enlarge
the petitioner on bail and pass an order or orders in the event of his arrest in
connection with Crime No. 3 of 2018 and offence under Sections 420 & 348 I.P.C.
PS, Pentlavelly, Nagarkurnool District, during the pendency of enquiry and trial.

The petition coming on for hearing, upon perusing the memorandum of grounds
filed in support thereof and upon hearing the arguments of Sri Vaddi Srinivasa Rao,
Advocate for the Petitioner and of Additional Public Prosecutor(AP) on behalf of
Respondent-State, the Court made the following

ORDER :-

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.3290 OF 2018

ORDER:

This criminal petition is filed under Section 438 of Cr.P.C to direct the Station House Officer, Pentlavally Police Station, Nagarkurnool District, to release the petitioner on bail, apprehending his arrest in connection with Crime No.3 of 2018 for the offences punishable under Sections 420 & 384 IPC.

The petitioner has allegedly entered into agreement of sale with the defacto complainant and purchased land for Rs.25 lakhs and paid advance of Rs.23 lakhs as on the date of execution of agreement of sale. As the defacto complainant failed to execute agreement of sale, the petitioner herein filed O.S.No.20 of 2014 on the file of IX Additional District Judge at Wanaparthy for specific performance of sale of agreement in respect of the land in Sy.No.70 in an extent of Ac.10-10 gts in Sinvavaram Village, Vipinagandla Mandal, Mahabubnagar District and on receipt of notice, the defacto complainant questioned this petitioner as to why he sent notice through Court and thereupon, he allegedly threatened the defacto complainant to kill if he fails to execute registered sale deed. On the strength of the complaint, the police registered crime and issued F.I.R.

Undoubtedly, this is a civil dispute regarding sale of immovable property and suit O.S.No.20 of 2014 on the file of IX Additional District Judge at Wanaparthy for specific performance of sale of agreement in respect of the land in Sy.No.70 in an extent of Ac.10-10 gts in Sinvavaram Village, Vipinagandla Mandal,

by

Mahabubnagar District. The petitioner also filed I.A.No.392 of 2017 in O.S.No.20 of 2014 on the file of IX Additional District Judge at Wanaparthy for grant of temporary injunction during pendency of the suit, restraining the defacto complainant from alienating the suit schedule property, till disposal of the suit.

W.P.No.1816 of 2018 was also filed by the same petitioner against the concerned police officials and defacto complainant, as they allegedly misused the police power against this petitioner and threatened to withdraw O.S.No.20 of 2017 on the file of IX Additional District Judge at Wanaparthy and the said writ petition is still pending.

It is the contention of the learned counsel for the petitioner that the dispute is purely civil in nature and he is entitled to claim pre-arrest bail. Whereas, learned Public Prosecutor for the State of Telangana made a statement that witnesses were recorded and investigation is not yet completed.

As seen from the material on record, it is clear that, if the defacto complainant failed to execute registered sale deed, he will kill him. When a civil suit is pending and notice is served on the defacto complainant, there is possibility of implicating this petitioner in this case or committing such offences. But, by that itself is not a ground and therefore, *prima facie* I find no material to conclude that this petitioner committed offences, muchless, offences punishable Sections 420 & 384 IPC. Hence, I find that it is a fit case to direct the Station House Officer, Pentlavally Police Station, Nagarkurnool District, to release the petitioner on bail, in



the event of his arrest in connection with Crime No.3 of 2018 for the offences punishable under Sections 420 & 384 IPC.

In the result, the criminal petition is allowed. The Station House Officer, Pentlavally Police Station, Nagarkurnool District is directed to release the petitioner on bail, in the event of his arrest, on his executing personal bond for Rs.20,000/- (Rupees Twenty thousand only) each, with two sureties for a like sum each to the satisfaction of The Station House Officer, Pentlavally Police Station, Nagarkurnool District.

Consequently, miscellaneous applications pending if any, shall also stand dismissed. No costs.

Sd/- N. PURUSHOTHAM REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

- 1.The Judicial First Class Magistrate at Kollapur, Nagarkurnool District.
- 2.The Station House Officer, Pentlavally Police Station, Nagarkurnool District.
- 3.Two CCs to the Public Prosecutor(TS), High Court at Hyd.(OUT)
- 4.One CC to Sri Ramesh Burra, Advocate(OPUC)
- 5.One spare copy.

TKK

HIGH COURT

MSM.J

DT.27-03-2018,

BAIL ORDER

CRL.P.No. 3290 of 2018



**RELEASE THE PETITIONER
ON BAIL**