

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.5938 of 2018

ORDER :

This petitioner Ittireddy Sipal Reddy is A.5 among 11 accused no other than brother-in-law of A.1 B.Mohan Reddy, Asst.Sub Inspector. The Cr.No.8 of 2018 is registered by Police Station, A.C.B., Karimnagar Range on 18.04.2018 based on the report of the defacto-complainant-Gunukula Raji Reddy, dt.04.04.2018, for the offences punishable under Sections 13(1) (d) r/w 13(2) of Prevention of Corruption Act, 1988 (for short, 'the PC Act') and Section 120 (b) r/w 34 of Indian Penal Code (for short, 'the IPC'). The petitioner was in judicial custody in some other crimes having been remanded to judicial custody was produced in this crime on PT warrant obtained from Court, pursuant thereby on 07.05.2018 before the Special Judge for SPE & ACB Cass, Karimnagar.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor for SPE & ACB Cases for respondent/complainant and perused the First Information Report, bail petition averments, counter, list of cases pending, copies of orders of bail granted in some of the cases.

3. The averments in the bail application are that initially the petitioner was surrendered before the ACB officials on 17.6.2017 in Cr.No. 5 of 2017 of P.S.,A.C.B. Karimnagar Range and he was also produced on 16.8.2017 in Cr.No. 8 of 2017 of same P.S., A.C.B., Karimnagar Range who was released in both the crimes on bail for non-filing of chargesheet within the statutory period. He was produced in Cr.No.10 of 2017 on 12.10.2017 where he was granted regular bail on 27.11.2017 vide CrI.P.No.11133 of 2017 and even before his release again he was produced on P.T. warrant on 30.11.2017 in Cr.No.12 of

2017 and he was released on bail on 03.01.2018 in CrI.P.No. 12623 of 2017 and again was produced on P.T. warrant in Cr.No. 1 of 2018 where he was granted bail on 01.08.2018 in CrI.P.No.751 of 2018 and he was again produced on P.T. warrant in Cr.No.3 of 2018 where he was granted bail on 08.02.2018 in CrI.P.No.2431 of 2018 and he was again produced on 09.03.2018 in Cr.No.6 of 2018 and while so in custody, on P.T.warrant he was produced in the present crime. It is so, out of his surrender on 17.06.2017 in Cr.No.5 of 2017 from several cases registered even he was released on bail in one case before enlargement produced on P.T.Warrant in other cases and he is in judicial custody since then in one or the other cases. It is his contention that the police report averments of the defacto-complainant are false and he is innocent and nothing to do with the alleged offences and falsely implicated in the cases supra for the sin of he happened to be brother-in-law of A.1 B.Moahn Reddy the police officer. It is averred that having taken loan from the A.1-Mohan Reddy the defacto-complainant, G. Raji Reddy resident of Vemulawada, executed documents in favour of third party. There is no involvement of the petitioner that could be shown, in the said money transaction however, falsely implicated in several crimes including in the present one and the ACB officials are purposefully did not produce him immediately after registration of crime but obtained belatedly custody on P.T.warrants so that he cannot come out. He is not a Government Servant and he did not collude with any of the other accused including A.1-Mohan Reddy and there is no direct allegation of he cheated the complainant or obtained any document from him and the only allegation is he also threatened the defacto-complainant along with others to pay the amount which no way constitute the offence for which the crime is registered and the learned Spl.Judge for ACB Cases, Karim

Nagar dismissed the bail application of him in Cr.No.445 of 2018 on 17.05.2018 without proper consideration of these facts and he is having school going children and his wife is confined to house and his family is facing lot of difficulties from his languishing in jail and he is ready and willing to offer solvency and abide by other conditions in seeking to enlarge him on bail.

4. The sum and substance of the accusation from the report of the defacto-complainant, dt.04.04.2018 is that for his real estate business as in need of money to purchase agricultural land, he approached A.1-Mohan Reddy, ASI, and asked to lend 2.5crores for his real estate business and A.1-Mohan Reddy agreed to lend and asked him to pay interest at @Rs.4/- percent every month and he has to produce original title deeds and mortgage his properties as security for the lending and with no other alternative, he obliged and A.1-Mohan Reddy in the name of his father-in-law A.7-Irtireddy Raji Reddy, (father of the petitioner-A.5) obtained registered sale deed No. 6795/ 2015,dt.25.08.2015 as if it is a outright sale for consideration and also obtained 60 cheques out of 20 blank cheques of his account pertains to Andhra Bank, Vemulawada branch, 20 blank cheques of his Account pertains to HDFC Bank, Vemulawada branch, and 20 blank cheques of his Account pertains to SBH Bank, Vemulawada, 30 blank non judicial stamp papers of worth Rs.100/-, some promissory notes and some white papers with the signatures of the petitioner and A.1-Mohan Reddy, also took original documents pertains to the land which the petitioner intended to purchase. After taking loan supra from A.1-Mohan Reddy, he used to pay interest of Rs.10,00,000/- (Rupees ten lakhs only) every month regularly, till he was arrested and sent to jail in a criminal case in November,2015 and later coming to his house to his wife B.Latha and his son B.Akshay

Reddy, his sister Ittireddy Srilatha. After his release from jail, the petitioner was paying at private 'Maniratna Bar and Restaurant' of A.1 where he was running office maintained by his accountant-Banala Ramana Reddy and accordingly he paid upto December, 2016 towards interest of 1.6crores for which even there is no scrap of paper given by A.1-Mohan Reddy on his behalf in all the above. It was so, in December, 2016, the defacto-complainant went to A.1-Mohan Reddy, at his private office on the top floor of Mani Ratna Bar and Restaurant and gave the principal amount of Rs.2.5 Crores as interest already paid and requested to re-transfer the land for which sale deed obtained by A.1-Mohan Reddy in the name of his father-in-law I.Raji Reddy for which A.1-Mohan Reddy refused with a demand to pay 1.5crores and further said the rate of interest is not 4% but 10% p.a. At that time relatives of A.1- Mohan Reddy, viz: son-Bobbala Akshay Reddy, father-Bobbala Adi Reddy, brother Bobbala Mahendar Reddy, brother-in-law-Ittireddy Sripal Reddy, father-in-law-Ittireddy Raji Reddy, accountant-Banala Ramana Reddy and other relatives-Amarahl Raji Reddy and Mamidi Thilupathi Reddy assaulted on him demanding to pay 1.5crores and threatened with dire consequences to kill. While so, in January, 2017, the defacto-complainant went to the house of A.1-Mohan Reddy, with 1.5crores of amount and asked to register back the property and A.1-Mohan Reddy, received the amount and asked to give after one week to transfer back and even the defacto-complainant obliged and went one week later having paid the additional amount demanded, with a request to re-register the property, for that the A.1-Mohan Reddy demanded 50lakhs more to return back the title deeds and to re-register the property by unyielding his request and the plea and not to exploit and at that time, the other accused were there including the petitioner and they all

revolted on the defacto-complainant including the petitioner saying no land at all and threatened to kill him unless he parts with further amount to register back and he was cheated accordingly. They threatened even later in April, 2017, by warned not to step into their house. It is while so, he came to know that on 12.05.2017 to grab his land Smt. Bobbala Latha(wife of A.1) and Ittireddy Sripal Reddy(brother-in-law of A.1) have got the land registered through GPA in the name of their relative Mamidi Thirupathi Reddy vide document No. 2814/ 2017. Then also the petitioner approached Mamidi Thirupathi Reddy and disclosed about taking of loan and paying with interest to A.1- Mohan Reddy, and requested to register the land in his name but Mamidi Tirupathi Reddy denied and threatened not to meet him once again. Hence, the complaint to take action.

5. The counter filed in opposing the bail application by the Inspector of Police, ACB, KarimNagar range is by reiterating the facts particularly from para-4 on grounds to oppose by denying the contentions of the bail application of he is no way concerned or innocent or falsely implicated or the ACB officials are behind him to implicate one or the other etc., as false by saying he is also one of the privies and behind all these transactions and the investigation is in progress and there is ample evidence to show the complicity of the petitioner-A.5 among other accused with A.1-Mohan Reddy being his brother-in-law and other accused not only by ACB but also by Law and Order and CID officials registered cases and they are pending including the petitioner from several reports of the criminal acts of them and also denied the contention of the petitioner/ A.5 of with the active support of the ACB officials the cases getting registered pre-planned and the officials not filing chargesheet is also false. It is mentioned in para-5 middle of the

counter affidavit of these are the socio economic offences and complicity is established from the oral and documentary evidence collected and yet to be collected to substantiate and thereby sought for dismissal of the bail application saying there are 6 crimes registered under Indian Arms Act, Money Laundering Act, cheating, Criminal Conspiracy, Trespass, Criminal intimidation, Wrongful restraint and criminal misappropriation, etc., by Karim Nagar I Town and II Town Police and LMD P.S respectively and as the investigation is still in preliminary stage and once any bail is granted, he may jump and interfere with the witnesses and further investigation, hence not entitle to the concession of bail.

6. It is the contention of the learned counsel for the petitioner by saying even the property was already transferred on 18.04.2018 by referring to its value 4 lakhs in the name of the defacto-complainant G. Raji Reddy of Vemulawada town executed by I. Raji Reddy-father-in-law of A.1-Mohan Reddy and father of the petitioner-A.5 through G.P.A. Mamilla Tirupati Reddy and stated the petitioner is one of the signatories as purchaser and even therefrom the property to transfer back and there is no sustainable accusation much less to refuse bail leave about any investigation that also to be taken into consideration and he is entitled to the concession of bail.

7. As referred supra, the report of the defacto-complainant, dt.04.04.2018 received with endorsement and the crime registered later was after verification and it is just before registration of the crime or on that day on knowing it and about 13 days after giving of the report, said sale deed transaction took place as an outright sale by saying A.7-I. Raji Reddy is the owner purchased the property in 2015 and later executed

GPA in 2017 and now sold for consideration of 4 lakhs to the defacto-complainant.

8. As pointed out by the learned Public Prosecutor even therefrom, the report and the First Information Report contents are substantiating of the property earlier not transferred in favour of the defacto-complainant not only that as per the learned Public Prosecutor there are out of 66 cases given in the list only 60 crimes pending where the petitioner herein is one of the accused along with A.1-Mohan Reddy and others for several cases of cheating, Money Laundering Act offences, trespass, criminal intimidation, mischief, criminal misappropriation, Indian Arms Act offences and also specifically against A.1-Mohan Reddy under the A.P.Excise Act besides the cases under Prevention of Corruption Act, extortion etc., either with ACB or Karimnagar Range or Law and Order, Karim Nagar I Town or II Town or III town, LMD colony or Karim Nagar Rural or nanakondur, Bejjanki, Chiguramamidi, Mulkanoor Husnabad Mallaial, Ramadugu and Sulthanabad, Srcilla etc.,

9. No doubt, it is the submission of the learned counsel for the petitioner that in all the cases bails were granted. No orders of granting of a bail in all the cases not with at least crime number and date mentioned but for to say, some of the crimes are of 2015 and from the bail application averments and the submission it is after enlargement on bail in those cases, the petitioner was voluntarily surrendered on 17.06.2017 and thereafter taking on P.T.Warrant to judicial custody supporting from Cr.No.5 of 2017 of ACB, Karaimnagar Range into other crimes of the ACB police or the other.

10. So far as the petitioner concerned from the very report, there are two specific incidents of the defacto-complainant was threatened and beaten by all the accused including the petitioner in a tune to say of

A.1-Mohan Reddy with a demand to extract further money despite liquidation and also threatened. There is an outright sale deed obtained in 2015 in the name of the father-in-law of A.1-Mohan Reddy, and there is a GPA executed by A.7-I.Raji Reddy in the name of M.Tirupati Reddy-A.10 and it is through G.P.A. only on 18.04.2018 the property was transferred as if outright sale for 4 lakhs in the name of the defacto-complainant by said I.Raji Reddy through the GPA-M.Tirupati Reddy.

11. Having regard to the above and from the series of cases in which the petitioner is involved and the *modus operandi* of the petitioner, he is not entitled to any concession of bail.

12. Accordingly and in the result, the Criminal Petition is dismissed. Consequently, miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

Date:03.07.2018
b/ o.vvr

Dr. B. SIVA SANKARA RAO, J

