

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.12526 OF 2017

ORDER:

This petition is filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioner-A1 for the offences alleged under Sections 323, 354, 420 and 509 r/w 34 IPC.

2. Heard learned counsel for the petitioner-A1, learned Additional Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner-A1 would submit that the petitioner-A1 is an innocent person and falsely implicated in this case. The de facto complainant obtained crop loan by submitting her original pattedar pass book. No alleged incident took place and the same is concocted for the purpose of this case. The dispute between the parties is civil in nature and ultimately, prayed to allow the application.

4. On the other hand, learned Additional Public Prosecutor opposed the grant of bail to the petitioner-A1.

5. The material on record reveals that on 02.02.2016 the de facto complainant-D.Sridevamma went to her land along with her other family members. The petitioner-A1 along with other accused in this case went there and informed that some officers of M.R.O. office have come to inspect the document possessed by her. Then she made a telephone call to her daughter-in-law-Manjula and the said Manjula brought the pattedar pass book. The petitioner-A1 snatched the pattedar pass book and then alleged to have outraged the modesty of the de facto complainant and also pushed her relatives, who were present at the scene of offence stating that they sold the land to her for meager price. If they sell the land to others, they will get more price and they will not register the land in favour of the de facto complainant. There are also allegations that the

petitioner-A1 and other accused abused the de facto complainant and others. On hearing the cries of the de facto complainant and others, neighbours gathered there. The names of the neighbours, who gathered there are also mentioned in the F.I.R. Thereafter, the petitioner-A1 and other accused left the scene of offence. There is also mention in the report, dated 02.02.2016 lodged with the police that the de facto complainant purchased Ac.4.00 of land in S.No.280/2 of Yaparlapadu village on 01.07.2010 for an amount of Rs.1,50,000/- from the petitioner-A1 and his mother. In spite of their demands, a regular sale deed was not registered in favour of the de facto complainant.

6. As per the ledger copy filed before this Court, one Vadde Veeramma, who is A4 in this case obtained crop loan from the bank. The de facto complainant in this case is D.Sridevamma. There are no details of survey numbers in that ledger entries. Therefore, it cannot be said that pattedar pass book was not handed over to the de facto complainant when she purchased the land from the petitioner-A1 and his mother. In the circumstances, it cannot be held that no such incident took place. There are specific overt-acts against the petitioner-A1. The allegations are also grave. The matter requires thorough investigation. Therefore, it is not a fit case to grant bail to the petitioner-A1 under Section 438 Cr.P.C.

7. Accordingly, the Criminal Petition is dismissed.

DR.SHAMEEM AKTHER, J

DATED: 03-01-2018

Hsd