

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.12848 OF 2017

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner-accused in Crime No.385 of 2017 of Pullampet Police Station, Kadapa District, registered for the offences punishable under Section 447 I.P.C. and Sections 3(1)(g)(r) and 3(2)(v) of the S.Cs. and S.Ts. (POA) Act, 1989.

2. Heard the learned counsel for the petitioner-accused and the learned Additional Public Prosecutor appearing for the respondent-State, apart from perusing the material available on record.

3. Learned counsel for the petitioner-accused would submit that the petitioner-accused owns the land adjacent to the land in Sy.No.556/7 situated at Devasamudram of Pathuru Gram Panchayat; the petitioner-accused did not trespass into the land of the *de facto* complainant; the petitioner-accused did not remove the boundary stones fixed by the revenue authorities; further, the petitioner-accused did not commit any offence and he is innocent person; and ultimately, prayed to grant bail to the petitioner-accused under Section 438 Cr.P.C.

4. The learned Additional Public Prosecutor opposed the grant of bail to the petitioner-accused under Section 438 Cr.P.C.

5. The material available on record reveals that one Duggi Reddamma owns the land in Sy.No.556/7 admeasuring Ac.1-50 cents situated at Devasamudram of Pathuru Gram Panchayat. The said land was assigned by the Government and pattadar passbook was given to her. Boundaries were also fixed to the said land. There is material on record to show that the petitioner-accused removed mud from the land belonging to Duggi Reddamma. Her relative-Pathuri Rani, who was given

power of attorney to manage the land, filed the report with the police. Even after the fixation of the boundary stones to the land belonging to Duggi Reddamma, the petitioner-accused indulged in illegal activities of trespassing and removal of mud from the said land. There are allegations of abusing the *de facto* complainant in filthy language in the name of caste. The allegations are grave. There is also statutory bar to grant bail under Section 438 Cr.P.C. for the offences under Sections 3(1)(g)(r) and 3(2)(v) of the S.Cs. and S.Ts. (POA) Act, 1989. It cannot be said that the petitioner-accused is innocent person and falsely implicated in this case. Therefore, the petition is devoid of merits and it is liable to be dismissed.

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

Date: 02-01-2018
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Dr. SHAMEEM AKTHER, J

