

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.4498 of 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 is filed by the petitioners, who are A.1 to A.6, for grant of anticipatory bail in the event of their arrest in Crime No.73 of 2019 of Boath Police Station, Adilabad District, registered for the offences punishable under Sections 447, 306, 323, 290 r/w. Section 149 of IPC.

The case of the prosecution is that the petitioners have illegally entered into the land in Sy.No.27/EE, situated at Kuchlapur village of Boath Mandal, belonging to the father of the complainant and tried to sow Soyabean seeds in the said land and when the same was objected by the father and mother of the complainant, the petitioners abused and assaulted them, due to which the father of the complainant had committed suicide by consuming poison.

Heard learned counsel for the petitioners/A.1 to A.6 and the learned Additional Public Prosecutor appearing for the respondent State. Perused the material on record.

Learned counsel for the petitioners contends that there is a civil dispute between the petitioners and the complainant and the petitioners are owners and possessors of the subject land and the complaint filed by the complainant at the instigation of his brother before the Mandal Revenue Officer and the Revenue Divisional Officer was dismissed by holding

that the petitioners are absolute owners of the said land and the suit in O.S.No.90 of 2019 filed by the father of the complainant for recovery of possession is still pending. It is also contended that as a counter-blast to Crime No.90 of 2018 registered against them, the complainant has filed the present Crime No.73 of 2019 against the petitioners. It is also contended that the petitioners are ready to abide by any conditions imposed by this Court, including assisting the investigating agency for their release on anticipatory bail in the event of their arrest in the above crime.

On the other hand, the learned Additional Public Prosecutor opposed the relief sought in the above petition. It is also submitted that A.1, A.2 and A.6 have already been arrested and sent to judicial custody on 03.07.2019.

As seen from the contents of FIR, there are specific allegations made against the petitioners that they have trespassed into the subject land and attacked the defacto complainant and his family members and assaulted them, due to which the father of the complainant consumed poison and succumbed to the same while taking treatment.

In view of the specific and serious nature of allegations levelled against the petitioners and as A.1, A.2 and A.6 have already been arrested on 03.07.2019, I am not inclined to grant anticipatory bail to the petitioners/A.3, A.4 and A.5. However, if the petitioners/A.3, A.4 and A.5 surrender before the Court below concerned within ten (10) days from today

and move an application for regular bail, after giving prior notice to the Public Prosecutor concerned, the said application may be considered in accordance with law.

With the above observations, this Criminal Petition is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE G. SRI DEVI

07.08.2019.
Msr



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Msr