

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.5355 of 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in the event of his arrest, is filed by the petitioner, who is A.5 in Crime No.630 of 2019 on the file of the Station House Officer, Uppal Police Station, registered for the offences punishable under Sections 420, 468, 471, 447, 427 and 120(B) IPC.

The contents of the complaint of the defacto-complainant are that the defacto-complainant and her son by name M.Srikanth and daughters by names Smt. M.S.Sunitha and Smt. M.Vasanth Bhanu are the owners of Plot No.10 admeasuring 500sq.yards situated in Sy.No.56, Swaroop Nagar Colony, Uppal village and Mandal, Ranga Reddy district. While so on 03.12.2000, when she was constructing compound wall around their plot, some persons claiming to be men of Dr.Aruna Arakoli, represented by her GPA M.R.Harsha tried to obstruct the work claiming the plot belongs to her. On the compliant lodged by the decacto-complainant, the Sub Inspector of Police intervened and found that Dr.Aruna Arakoli's alleged sale deed is not genuine and advised M.R.Harsha not to interfere. After one year when said Aruna Arakoli tried to sell the plot, they opposed the same. At that time when men of Dr.Aruna Arakoli tried to forcefully occupy the plot. In this regard, a case in Cr.No.500 of 2001 was registered against Dr.Aruna Arakoli, M.R.Harsha, Anatha Reddy, Partha Saradi and others on

21.12.2001 on her complaint. Then the illegal activities were stopped in their plot. Subsequently, she and her children filed O.S.No.1106 of 2002 on the file of the III Addl. Senior Civil Judge, Ranga Reddy district against Dr.Aruna Arakoli for declaration of title and permanent injunction. As a counterblast, Dr.Aruna Arakoli filed O.S.No.774 of 2006 (previously O.S.No.829 of 2002) in the same Court against the defacto-complainant and others. These suits were tried and disposed of decreeing in defacto-complainant's favour restraining Dr.Aruna Arakolis by means of permanent injunction from interfering with the possession of the defacto-complainant. Since then the defacto-complainant has been in possession of the property and kept it under lock and went abroad. After her return, she found the lock was broke open and the property was trespassed into.

Heard learned counsel for the petitioner/A.5 and the learned Additional Public Prosecutor appearing for the respondent State. Perused the material on record.

Learned counsel for the petitioner contends that the property i.e. Plot Nos.9 and 10 admeasuring 1000sq.yards, in Sy.No.56, situated presently at Adarsh Nagar colony, Uppal Kalan village, Uppal Mandal, Ranga Reddy district was originally purchased by M.Jagannadham through registered sale deed Doc.No.3194 of 1967 dt.07.08.1964 and said Jagannadham through his GPA B.Ramesh (A.1) sold Plot No.10 to A.2 Dr.Aruna Arakali and said document was rectified in terms of its boundaries through registered Rectification Deed Doc.No.1246 of 2000, dt.08.08.2000. Later on A.2 through his GPA sold to

M.Kiran Kumar-A.3 through registered sale deed Doc.No.5047 of 2010, dt.14.07.2010. In turn M.Kiran Kumar executed Agreement of sale-cum-GPA in favour of M.Devender Reddy. The said document was cancelled through registered cancellation deed Doc.No.8072 of 2010 dt.03.11.2010. Then A.3 sold to Bhaskar Gujja -A.4 through registered Sale Deed Doc.No.12019 of 2012, dt.24.11.2012. The A.4 in turn, through his GPA by name Rajaiah Gujja sold to the petitioner (A.5) through registered sale deed Doc.No.8484 of 2013, dt.15.07.2013. During ownership of the petitioner itself, LRS and ULC approvals were obtained. The petitioner even obtained legal opinion before purchasing the same. He is also paying tax regularly. He sold the property to one M./s Brundavan Infra (not made party) through registered Sale Deed Doc.No.11180 of 2013 dt.11.10.2013. In turn, said Brundavan Infra sold the property to A.6 through registered Sale deed Doc.No.10554 of 2013, dt.24.12.2014. Under the circumstances, the defacto-complainant, being a highly influential lady falsely stating that the A.6 was supported by other accused. The petitioner was earlier owner of the property and after sometime due to personal needs sold away the property. Unnecessarily previous owners of the property were dragged into the case to spoil their reputation in the society. If the petitioner is arrested, he will suffer grave prejudice in his kith and kin as well as professional life. It is also submitted that the petitioner is ready to abide by any conditions imposed by this Court, including assisting the investigating

agency for his release on anticipatory bail in the event of his arrest in the above crime.

On the other hand, the learned Additional Public Prosecutor vehemently opposed the relief sought in the above petition.

As seen from the contents of the First Information Report, there are specific allegations that the petitioner and the other accused are intentionally after knowing that the property belongs to the defacto-complainant, are trying to occupy the property of the defacto-complainant and the other accused are still absconding.

Looking into the nature of the allegations leveled against the petitioner and in the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner. However, if the petitioner/A.5 surrenders before the Court below concerned, within 15 days from today and moves an application for regular bail, after giving prior notice to the Public Prosecutor concerned, the said application shall be considered in accordance with law.

With the above observations, the Criminal Petition is dismissed.

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

JUSTICE G. SRI DEVI

20.09.2019.
Vvr

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Dt.20.09.2019
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