

**HON'BLE SMT. JUSTICE LALITHA KANNEGANTI**

**CRIMINAL PETITION No. 8322 of 2021**

**ORDER:**

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused No.2 in Crime No. 145 of 2021 on the file of Tappachabutra Police Station registered for the offence punishable under Section 307 read with Section 34 IPC., seeking bail.

2. The case of prosecution is that petitioner – Accused No.2 along with other accused created fake documents and registered open land property bearing H.No. 13-1-1191/1192, Mustaidpura, Kummarwadi, Karwan, Hyderabad in the name of Accused No.1 and using the said property as auto parking place on rent basis and by knowing the same, the complainant filed a case in City Civil Courts at Hyderabad and the same is pending and also filed a case in P.S. Tappachabutra against Accused Nos. 1, 2 and husband of Accused No.4 in Crime No. 26 of 2018 under Sections 420, 468, 471, 448, 506 read with Section 34 IPC. and the same is pending. While so, on 29.05.2021, Accused No.1 called the complainant and told to clean the said place and accordingly, the complainant and another person namely Prabhakar along with labourers came to the spot to clean the open place. In the meanwhile, Accused Nos. 2 to 4 abused them in filthy language and Accused No.1 and his friends came to the spot and all of them attacked the complainant and his friend with rods and stick by threatening them that they would see their end.

3. Learned counsel for petitioner Sri A.L. Raju submits that initially, crime was registered for the offences under Sections 324 and 506 read with Section 34 IPC. He submits that in view of the property disputes and the consequent civil litigation pending between the parties, petitioner has been implicated in this case. It is submitted that in the incident, petitioner was also attacked and he lodged a complaint with Commissioner of Police and Deputy Commissioner of Police, West Zone and obtained acknowledgment dated 28.09.2021, however, till now, they have not registered the crime. The learned counsel submits that complainant demolished part of the shed and while doing so, the iron sheet fell on him and he received bleeding injury and taking advantage of the same, as if the petitioner beat him, the present case is foisted against him. It is also submitted that petitioner has been languishing in jail from the last 35 days, hence, his case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that there are disputes between the parties and earlier also, a case was registered against petitioner in Crime No. 26 of 2018. According to him, if petitioner is enlarged on bail, there is every likelihood that he may indulge in similar activities which give rise to law and order issues in the locality.

5. Taking into consideration the fact that petitioner is languishing in jail from the last 35 days, this Court deems it appropriate to grant bail to him, on certain conditions.

6. The Criminal Petition is therefore, allowed. The petitioner – Accused No.2 shall be enlarged on bail in connection

with Crime No. 145 of 2021, P.S. Tappachabutra on his executing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of Chanchalguda Prison. Petitioner shall cooperate with the Investigation Officer and he shall not enter into the subject locality till the investigation is completed.

29<sup>th</sup> November 2021

**LALITHA KANNEGANTI, J**

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