

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 375 OF 2022

O R D E R:

This Criminal Petition under Section 438 Cr.P.C. is filed by the petitioners – Accused Nos. 1, 2, 4 to 6, 8 and 9 seeking bail in the event of their arrest in connection with Crime No. 10 of 2022 on the file of Maddur Police Station registered for the offences punishable under Sections 326, 324, 447, 504, 506, 147, 148 read with Section 149 IPC.

2. The case of the prosecution is that the de facto complainant lodged a report alleging that they own patta land in Survey No. 153 which is ancestral property, but Accused No.1 colluded with Mandal and AD Surveyors and drafted an unlawful panchanama for 15 guntas. On 07.01.2022, between 06.00 and 09.00 a.m., Accused No.1 and his followers ie. Accused 2 to 9 criminally trespassed into the land in Survey No. 153 and placed stones. On 08.01.2022, at about 12.00 hours, when the de facto complainant and her brother-in-law went to the land, the above accused came there with sticks and abused them touching their caste name, beat them and threatened to kill them.

3. Learned counsel for the petitioners Sri Challa Srinivasa Reddy submits that in view of the civil disputes between the parties, the present case is foisted against the petitioners. He submits that there are no specific overt acts against the accused and in the same incident, petitioners also

sustained injuries, but when they went to the police, in view of the political reasons, case was not registered, hence, they filed a private complaint and the same is pending consideration. Learned counsel submits that civil Court has also granted injunction in favour of the petitioners and in view of the same, the present case is foisted against them, therefore, their case may be considered for grant of pre-arrest bail.

4. On the other hand, learned counsel for the respondent – de facto complainant submits that just because civil disputes are pending, the petitioners cannot take law into their hands and enter into the land. He also submits that the petitioners assaulted and beat the de facto complainant. He further submits that photographs were filed to show the injuries sustained by the complainant and others, hence, the petitioners are not entitled for grant of pre-arrest bail.

5. Admittedly, in the instant case, there are no specific overt acts that which accused has inflicted which injury, except stating that all the persons who are associates of Accused No.1 have entered into the land and abused and assaulted them. Taking into consideration the fact that there are no specific overt acts, this Court deems it appropriate to grant bail to petitioners 2 to 7. As far as Accused No.1 is concerned, in view of the disputes between the parties and as the de facto complainant and others sustained injuries, this court is not inclined to grant pre-arrest bail to Accused No.1.

6. Accordingly, the Criminal Petition is allowed in so far as petitioners 2 to 7 - Accused Nos. 2, 4 to 6, 8 and 9 are concerned. Petitioners 2 to 7 - Accused Nos. 2, 4 to 6, 8 and 9 shall surrender before the Station House Officer, Maddur Police Station in connection with Crime No. 10 of 2022 within one week from today and on such surrender and on each of them executing a personal bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer, they shall be released on bail. It is made clear that no further extension of time will be granted.

The Criminal Petition is dismissed insofar as petitioner No.1 - Accused No.1 is concerned. At this stage, learned counsel for the petitioners submits that petitioner No.1 may be permitted to surrender before the Court below and move an Application seeking regular bail. In view of the above submission, petitioner No.1 is permitted to surrender before the Court below and move an appropriate Application seeking bail. On such surrender and filing an Application, the Court below shall consider the same and pass appropriate orders thereon in accordance with law.

LALITHA KANNEGANTI, J

02nd February 2022

ksld

