

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 4437 OF 2022

O R D E R:

This Criminal Petition is filed under Section 438 of Cr.P.C. seeking pre-arrest bail to the petitioner/Accused in the event of his arrest in connection with Crime No.59 of 2022 on the file of Begumpeta Police Station, Hyderabad, registered for the offences punishable under Sections 406, 420 r/w.34 IPC, 3(1)(x) of the Scheduled Castes and Scheduled Tribes (POA) Amendment Act, 2015.

2. The case of the complainant is that they entered into an agreement of sale dated 29.06.2016 with the petitioner and another and paid Rs.20 lakhs on various dates. However, without honouring the said agreement of sale, the petitioner entered into another agreement of sale with others.

3. According to the learned counsel for petitioner/accused the said agreement was in the year 2021, which is nearly five years after agreement of sale with the complainant. However the time stipulated for payment of sale consideration is 90 days from the date of agreement of sale dated 29.06.2016.

4. Sri Kalyan Ramakrishna, Learned Counsel for respondent No.2/complainant submits that there is a bar under Section 18 of the Scheduled Castes and Scheduled Tribes (POA) Amendment Act, 2015 and secondly no procedure of issuing a notice is followed prior to the petitioner entering into another agreement of sale.

5. As seen from the facts of the case, the petitioner entered into another agreement of sale after five years of the initial agreement of sale entered

into with the 2nd respondent/defacto complainant. The transaction is purely civil in nature and prima facie it appears that there is no element of criminality involved to attract the penal consequences under Section 420 of Indian Penal Code.

6. In the said circumstances, the petitioner can be granted the relief of Anticipatory Bail on the following conditions.

- 1) The petitioner/Accused is directed to surrender before the Station House Officer, Begumpeta Police Station, Hyderabad, within a period of 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioner/Accused on bail, on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties in a like sum each to his satisfaction.
- 2) On such release, the petitioner/Accused shall report before the said Station House Officer on every first and second Saturdays between 09.00 a.m. and 11.00 a.m., for a period of three months or till filing of the charge sheet, whichever is earlier.
- 3) The petitioner/Accused shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.

Accordingly, the criminal petition is allowed.

Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

K.SURENDER,J

Date :08.06.2022
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Dt.08.06.2022

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