

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.10333 OF 2021

ORDER:-

This petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking pre-arrest bail to the petitioner/A.1 in the event of his arrest in connection with Crime No.58 of 2021 of Yacharam Police Station, Rachakonda Commissionerate, registered for the offences punishable under Sections 419, 420, 464, 120-B, 386 and 506 of IPC and Section 156(3) Cr.P.C.

2. The case of prosecution is that the complainant is the legal heir of original Inamdar and possessor of an agricultural land Ac.10.21 guntas in Sy.Nos.220, 221, 554 and 556 in Chintapatla Village and their family cultivating since 70 years. The accused persons in collusion with the then VRO and Assistant Revenue Inspector of Yacharam Mandal, with an evil intention to grab the property, conspired together and hatched a plan to obtain Occupancy Right Certificate (ORC) from the RDO in the name of Chakali Peddamma and they were created a pcnahanama with the help VRO and AMRI as if Chakali Peddamma is the legal heir of original Inamdar Ramaiah. Without their knowledge, they proceeded further and A.1 and A.2 registered the property as if they purchased from Chakali Peddamma. On 22.02.2021 at 11.30 hours when the family members of the complainant are cultivating the land, the accused persons along with henchmen threatened them. Basing on the said report, the present complaint is registered.

3. Heard Mr.Allam Ramesh, learned counsel for the petitioner, and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submits that it is purely a civil dispute between the parties and to pressurize the petitioner, the present complaint is registered. Initially, a complaint was given on 23.02.2021, but the police did not take any action. As such, the complainant filed private complaint and the same was referred to police for investigation. The present complaint is filed stating that the property was sold by the grandfather of the complainant in the year 1992. Learned counsel submits that the property was purchased from the grandfather of the petitioner by the vendor of the petitioner. After that, the revenue officials after conducting thorough enquiry granted ORC in favour of the vendor of the petitioner. Questioning the same, a complaint was filed before the revenue officials and the same is pending consideration. He submits that during pendency of the proceedings, when the petitioner tried to trespass into the petitioner's land, petitioner filed a complaint on 22.02.2021. The petitioner is ready to cooperate with the investigation. It is submitted that it is purely a civil dispute and at the best of the complainant, the police are trying to arrest the petitioner. As such, the petitioner's case may be considered for grant of pre-arrest bail.

5. On the other hand, learned Assistant Public Prosecutor submits that investigation is going on and so far five witnesses were examined. In view of the allegations levelled against the petitioner, he is not entitled for pre-arrest bail.

6. Taking into consideration the nature of the dispute between the parties, the grandfather of the complaint has sold the property in the year 1992 and petitioner has purchased the property in the year 2019 and with regard to issuance of ORC, appeal proceedings are pending before the revenue authorities, this Court deems it appropriate to grant pre-arrest bail to the petitioner/A.1.

7. Accordingly, this Criminal Petition is allowed. Petitioner/A.1 shall surrender before the Station House Officer, Yacharam Police Station, Rachakonda Commissionerate, in connection with Crime No.58 of 2021 within one week from today and on such surrender and 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, he shall be released on bail. It is made clear that no further extension of time will be granted.

LALITHA KANNEGANTI, J

Date :03.02.2022

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