

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.3116 of 2023

ORDER:

This Criminal Petition is filed under Sections 437 and 439 of Cr.P.C. by the petitioners – Accused Nos.1 to 11, 13, 16, 21 to 24, 30, 36, 43, 46 to 48 for grant of regular bail in Crime No.62 of 2023 on the file of Saidabad Police Station, Hyderabad, registered for the offences under Sections 143, 147, 148, 452, 307, 427, 506, 188 read with 149 IPC.

2. The case of the prosecution in brief was that on 12.02.2023 at about 10.00 AM, one Jitender lodged a report before the Police, Saidabad stating that they had land in Sy.Nos.21/1, 21/2, 22, 23, 24 & 30 of Saidabad and the GPA holders of the plot owners, namely, K. Subashini, K. Mahipal Reddy, a group of Lambada people lead by Doli, who were evicted in compliance of the order dated 18.01.2023 passed by the Land Grabbing (Prohibition) Tribunal, re-entered in to the said land by use of force using deadly weapons, broke open the compound wall and criminally intimidated them. They illegally trespassed into their land, erected huts for which they filed cases against them before

the Land Grabbing Court vide LGOP Nos.2740, 2741 of 2003 and also filed writ petitions before this Court vide WP Nos.26361 of 2022 and 32321 of 2022 dated 02.09.2022 and obtained eviction order with a direction to RDO, Hyderabad to evict the huts and hand over possession to them. Then, they constructed the boundary wall and tin sheets around the property duly installing CCTV Cameras and by keeping a watchman, namely, Zabi and others. On 18.01.2023 at about 4.30 AM, they received a phone call from Zabi wherein he informed that about 50 men and women belonging to ST community forcibly trespassed into their land with deadly weapons and demolished the boundary wall and damaged the tin sheets and burnt them with fire by obstructing and threatening the watchman and others, for which they lodged the complaint and police registered a case against them. Again on 12.02.2023 around 5.10 AM, the same persons carrying deadly weapons like sticks, mirchi power, petrol came in autos, broke the gate and criminally trespassed into the land and attacked the watchman and caretakers and threatened them to kill and threw stones on them, due to which they got scared and to save their lives left from there. The said

persons demolished the boundary wall and trespassed into the land with an intention to kill the complainant and to grab his land. Earlier also they repeated the same behavior. Due to their high handed behaviour, the property worth Rs.5,00,000/- was damaged.

3. Basing on the said report, the Inspector of Police, Saidabad Police Station, registered a case in Crime No.62 of 2023 for the offences under Sections 143, 147, 148, 452, 307, 427, 506, 188 read with 149 IPC. During the course of investigation, the police effected the arrest of accused persons on 13.02.2023.

4. Heard Sri Rapolu Bhaskar, learned counsel for the petitioners and the learned Additional Public Prosecutor.

5. The learned counsel for the petitioners submitted that there was civil dispute continuing between the petitioners and the respondent No.2-de facto complainant. The petitioners were residing in Plot Nos.31, 32, 33 in Sy.Nos.21/1, 21/2, 22, 33, 24 and 30 situated near Pushpa Apartment, Saidabad, Hyderabad. Meanwhile, the respondent No.2-de facto complainant got registration from the original owner without having any possession and tried to occupy the land of the petitioners due to which civil

disputes arose between the petitioners and the respondent No.2 and land grabbing case was also filed by the respondent No.2 before the Principal District Judge, Ranga Reddy District and the same was pending. The respondent No.2-de facto complainant also filed writ petition before this Court and the same was also pending. The civil disputes had been converted into criminal cases. The police intentionally and wantonly implicated the petitioners. The Sections of law 307 and 452 IPC were not maintainable against the petitioners. This was the second bail application filed by the petitioners. The earlier bail application filed vide Crl.P. No.2337 of 2023 was dismissed by this Court on 20.03.2023. After dismissal of the earlier application, the police filed charge sheet. In the changed circumstances, the second application was filed.

6. The learned Additional Public Prosecutor opposed the bail application stating that the earlier application was dismissed by this Court observing that some of the police personnel also sustained injuries in the said incident. The attempt was continuously being made by the petitioners to take into possession the disputed property. Their acts were resulting in breach of peace

and public order. Three criminal cases were continuously registered with regard to the land in dispute and prayed to dismiss the petition.

7. Perused the record. Considering that the petitioners were in custody since 14.02.2023 and the petitioners Nos.3, 4, 5, 6, 7, 8, 9, 11, 14, 15 and 20 were all women and petitioner Nos.14, and 15 were aged about 74 and 70 years and the entire investigation was completed and police also filed charge sheet, it is considered fit to grant bail to the petitioners conditionally. The learned counsel for the petitioners submitted that the petitioners were Tribals and poor people and were not in a position to submit cash sureties and requested to permit them to furnish property valuation documents as sureties.

8. Accordingly, the Criminal Petition is allowed and the petitioners - Accused Nos.1 to 11, 13, 16, 21 to 24, 30, 36, 43, 46 to 48 are directed to be released on bail, subject to the following terms and conditions:

- (i) The petitioners - Accused Nos.1 to 11, 13, 16, 21 to 24, 30, 36, 43, 46 to 48 shall be released on bail on

each of them executing a personal bond to a tune of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum each to the satisfaction of the VII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad.

As the learned counsel for the petitioners submitted that all the petitioners are Tribals and poor people and they are not in a position to submit cash sureties, the court below is directed to release the petitioners on their furnishing the personal bonds as well as property valuation certificates of the sureties.

- (ii) The petitioners - Accused Nos.1 to 11, 13, 16, 21 to 24, 30, 36, 43, 46 to 48 shall not create any law and order problem and shall not enter into the disputed property without the order of the court.
- (iii) The petitioners - Accused Nos.1 to 11, 13, 16, 21 to 24, 30, 36, 43, 46 to 48 shall not intimidate the

witnesses and shall not misuse the liberty granted to them.

- (iv) The petitioners - Accused Nos.1 to 11, 13, 16, 21 to 24, 30, 36, 43, 46 to 48 shall personally appear before the Court concerned on each date of hearing till conclusion of trial.

Miscellaneous applications, if any, pending, shall stand closed.

Dr. JUSTICE G. RADHA RANI

April 03, 2023
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