

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3837 of 2023

ORDER:

1. Heard Sri V.Sainath, learned counsel who argued on behalf of Sri Rudresh Deshpande, learned counsel on record for the petitioners as well as the learned Additional Public Prosecutor, who is representing the Respondent-State.

2. Seeking pre-arrest bail, the present Criminal Petition is filed under Section 438 Cr.P.C. on behalf of the petitioners, who are arrayed as Accused Nos.1 & 2 in Crime No.112 of 2023 of Hasanparthy Police Station, Warangal District.

3. The case facts as could be perceived through the contents of the complaint are that the *de facto* complainant purchased Plot No.136, which is located in Survey No.113 of Devannapet Village, Hasanparthy Mandal. When the *de facto* complainant approached her plot for construction of compound wall, the petitioners, along with their henchmen, approached the said place, demanded Rs.20,00,000/- and threatened to kill them. Further, they destroyed the boundaries and occupied the plot.

4. Contending that the petitioners are innocent, learned counsel for the petitioners submits that the complaint is silent with regard to the date of alleged offence, which itself goes to show that a false case is foisted against the petitioners. Learned counsel also submits that in respect of the subject matter, a civil suit is pending between the parties vide a case in O.S.No.348 of 2023, before the Court of I Additional Junior Civil Judge, Hanamkonda. Learned counsel further submits that as the petitioners have not committed any offence whatsoever and as no case is made out through the contents of the complaint, anticipatory bail may be granted.

5. The submission of the learned Additional Public Prosecutor, on the other hand, is that the case is still under investigation. However, learned Additional Public Prosecutor failed to state the date on which the petitioners threatened the *de facto* complainant along with their henchmen and demanded money. The submission of the learned counsel for the petitioners, as earlier stated, is that the dispute is purely civil in nature.

6. Thus, considering the nature of the case and the contents of the complaint, this Court is of the view that the request of the petitioners can be honoured, however, conditionally.

7. In the result, the Criminal Petition is allowed with the following conditions:

- (i) The petitioners/Accused Nos.1 & 2 are directed to surrender before the concerned Court within ten (10) days. On such surrender, they shall be enlarged on bail on their executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties for like-sum each to the satisfaction of the Court concerned. The sureties are directed to submit their two latest passport size photographs at the time of furnishing solvency. One such photograph is ordered to be pasted in the Surety Register against the name of the surety. The other photograph shall be kept in the case record concerned.
- (ii) The petitioners/Accused Nos.1 & 2 shall report before the Station House Officer, Hasanparthy Police Station, Warangal District, on every Sunday between 10.30 A.M. and 12:00 P.M. till filing of final report.

- (iii) The petitioners/Accused Nos.1 & 2 should not involve in any unlawful activity.
- (iv) The petitioners/Accused Nos.1 & 2 should afford all assistance for proper investigation of the case.
- (v) The petitioners/Accused Nos.1 & 2 should not cause the evidence of the offence disappear.
- (vi) The petitioners/Accused Nos.1 & 2 should not tamper with the evidence in any manner.
- (vii) The petitioners/Accused Nos.1 & 2 should not by way of inducement, threat or promise, dissuade any person who is acquainted with the facts of the case, from disclosing such facts to the Court or to the Police Officer.
- (viii) In case the petitioners/Accused Nos.1 & 2 hold a passport, they shall surrender the same.
- (ix) The petitioners/Accused Nos.1 & 2 should ensure their presence whenever required by the Court or Police.
- (x) The petitioners/Accused Nos.1 & 2 shall not leave India without previous permission of the Court concerned.
- (xi) The petitioners/Accused Nos.1 & 2 shall file an affidavit before the Court concerned disclosing the following particulars:-
 - (1) Contact number

- (2) Mail address
- (3) Residential particulars.

In case, there is any change of the aforementioned details, the petitioners shall intimate the Court concerned by giving fresh affidavits duly mentioning the change. They shall continue to do so till filing of the final report.

Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the pre-arrest bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:25.04.2023
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