

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No. 4665 OF 2023

ORDER:

1. This petition is filed seeking to grant anticipatory bail under Section 438 of Criminal Procedure Code, 1973 (Cr.P.C). The petitioner is accused in Crime No.145 of 2023 of Hasanparthy Police Station, Warangal District. The offences alleged against the petitioner/accused are under Sections 294-B, 352, 420, 506 of Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

2. The sum and substance of case of the prosecution is that on 17.08.2022 at about 09.00 am on the request of complainant, the petitioner/accused along with others went to the land, which is agreed to sell. On reaching the land, the petitioner/accused allegedly abused the complainant in the name of caste for not complying payment schedule in respect of purchased land. It is also stated that with dishonest intention, the petitioner had received Rs.1.20 crores for sale of Ac.0.16 guntas of land and on receipt of such amount; he is not

registering the land or paying back his money and abused him with the name of caste and threatened to kill him.

3. Learned counsel for the petitioner/accused contended that this case has been lodged as counter blast case to the criminal case already lodged by the petitioner/accused in Crime No.247 of 2022 on 17.08.2022. This complaint is lodged after eight (8) months of incident. There is no truth in the allegations and criminal proceedings are used as an abuse to recover the money.

4. Learned counsel representing respondent No.3/ complainant submitted that when there is a clear allegation touching the offences under SC/ST (POA) Act, there is no bar in entertaining the anticipatory bail. It is further submitted that the petitioner/accused has not paid Rs.70 lakhs, which has received and there is dishonest intention on his part in not paying amount. It is further submitted that Rs.50 lakhs was paid out of Rs.1.32 crores and the balance of amount is Rs.82 lakhs the complainant has to receive from the petitioner/accused. This Court cannot decide such a disputed fact at this stage. It is further submitted that the previous criminal case registered by

the mother of the petitioner/accused as counter blast to the case they have lodged with the police and prayed to dismiss the bail petition of petitioner/accused.

5. Learned Additional Public Prosecutor opposed the bail application of petitioner/accused.

6. On scrutiny of background of the facts, the petitioner holds an agreement of sale with the real owner and basing on the said agreement of sale, the de-facto complainant entered into an agreement of sale with the present petitioner to purchase Ac.0.16 guntas of land. It is not in dispute that Rs.1.20 crores were paid for purchase of Ac.0.16 guntas of land. It is also not in dispute that sale could not be ractified, as a result, all these criminal cases emerges. The initial criminal case emerged on 17.08.2022 in the FIR No.247 of 2022. The complaint therein shows that the petitioner and his son was manhandled at the Outer Ring Road, Hasanparthy of Warangal District, while his son was attending college. The alleged incident occurred at 08.30 am. The present incident alleged to have occurred at 09.00 am. There is delay of eight (8) months in lodging the compliant. Further, the fact that when the

alleged offence of attack was made on complainant and his son, no prudent person in such a situation ask the complainant and his members to come for survey the scheduled property which is under sale at 09.00 am. This circumstance gives a great amount of doubt. Further, the complaint is lodged after eight (8) of incident.

7. Learned counsel for the petitioner submitted that the petitioner/accused paid Rs.50 lakhs out of Rs.1.20 crores and there in it is mentioned that a balance of Rs.70 lakhs is with the owner. This is one of the circumstances to demonstrate lack of dishonest intention at the beginning. It appears that entire case supported only on account of delay in payment of amount. *Prima-facie* this Court feels that it is a fit case to grant bail to the petitioner/ accused.

8. Accordingly, the Criminal Petition is allowed on the following terms and conditions:

- (i) The petitioners/accused shall be released on bail on his executing a personal bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum each to the satisfaction of Station House Officer, Hasanparty Police Station, Warangal District.

- (ii) The petitioner/accused shall appear before the Station House Officer, Hasanparty Police Station, Warangal District on every Sunday for three months.
- (iii) The petitioner/ accused shall not directly or indirectly influence or make any witnesses or complainant.
- (iv) The petitioners/accused shall abide by the other conditions stipulated in Section 438 (2) Cr.P.C and co-operate with the Investigating Officer in investigating the case.

JUSTICE M. LAXMAN

20.06.2023
pld/ssy

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