

**THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY**

**CRIMINAL PETITION No.4750 of 2023**

**ORDER:**

This Criminal Petition is filed under Section 438 of Code of Criminal Procedure (Cr.P.C.) seeking anticipatory bail to the petitioner/accused in the event of his arrest in connection with Crime No.557 of 2023 of Rajendranagar Police Station, Cyberabad District, registered for the offences punishable under Sections 420 and 506 of Indian Penal Code (IPC).

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor representing the respondent-State. Perused the record.

3. It is the case of the petitioner/accused that in the report, dated 26.04.2023, lodged by the informant, it is stated that one Venkata Subbaiah, who was the owner and possessor of land admeasuring Acs.6-00 guntas in Survey No.144/P of Tolkatta Village, Moinabad Mandal, Ranga Reddy District, executed General Power of Attorney (GPA) for the land to an extent of Acs.5-00 guntas in favour of informant and requested the informant to fence the property, so as to protect the same from encroachments. In the last week of January, 2023, the

informant and his friends went to the schedule land to engage workers for laying fencing with pre-cast wall around the schedule land. While they were showing their land to the daily workers, who were engaged for laying fencing with pre-cast wall, Mr. Haroon Rasheed, Syed Nawazuddin Khan @ Syed Pathan, Barkath Ullah Khan, Munavar, Munna, Omer and Sohail, gathered at the site with a mob of nearly 40 members with rods, cricket bats, hockey sticks and some deadly weapons and trespassed into their land and threatened the petitioner/accused and his friends and also the daily workers.

4. While the things stood thus, the petitioner/accused was introduced by one Mohd. Abdul Khadeer, who is the friend of the informant and the accused joined the discussion and said that he has good connections with higher officials in the Government Department as well as bureaucrats. The accused wanted a sum of Rs.1,00,00,000/- in instalments i.e., an amount of Rs.40,00,000/- before the work and the balance amount after completion of the work to settle with the higher officials and bureaucrats. Accordingly, the work was assigned to the accused i.e., fencing pre-cast wall around the schedule property and for that work, the informant paid Rs.40,00,000/- at the accused Form House situated at Sultanpally,

Shamshabad Mandal, Ranga Reddy District. But, after receiving the amount, the accused did not respond. Therefore, the informant approached the common friend, Mr.Abdul Khadeer, and explained the situation and he also tried to contact the accused person, for which the accused said that the amount received is less and he would complete the work, if huge money is given to him. The informant refused to pay the huge amount as demanded by the accused.

5. A perusal of the record would *prima facie* disclose that the offence under Section 420 IPC is not attracted to the allegations levelled against the petitioner/accused. Moreover, the other offence under Section 506 IPC is bailable. In the said circumstances, the request of the petitioner for grant of anticipatory bail can be considered on the following conditions:

- i) The petitioner/accused is directed to surrender before the Court concerned within a period of two weeks from the date of receipt of a copy of this order. On such surrender, he shall be enlarged on bail, on his executing a personal bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties for a likesum each to the satisfaction of the Court concerned.

- ii) The petitioner/accused shall abide by the other conditions stipulated under Section 438 (2) of Cr.P.C., and shall cooperate with the Investigating Officer in investigating the case.

6. Accordingly, the Criminal Petition is allowed.

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**B.VIJAYSEN REDDY, J**

Date:01.06.2023

YVL/KH

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