

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No. 5355 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 petitioners are accused Nos.1 to 10 in Crime No.403 of 2023 of Banjara Hills Police Station, Hyderabad District. The offences alleged against the petitioners are under Sections 120 B, 384, 385, 389, 406, 420, 423, 448, 465, 468, 469, 470 and 506 read with Section 34 of Indian Penal Code and Section 156 (3) of Cr.P.C.

2. The sum and substance of case of the prosecution is that accused Nos.1 and 2 are the owners of agricultural land situated at Aloor-II village, Aloor Grampanchayat, Chevella Mandal, Ranga Reddy District. They allegedly agreed to sale the property to the complainant. In pursuance of the agreement, advance amount of Rs.10,00,000/- was paid to the petitioners/ accused Nos.1 and 2. The total agreed consideration amount of Rs.45,00,000/- per acre and total land is Ac.2.13 guntas. Further, amounts were paid subsequently. According to the

complainant, total amount was paid i.e., Rs.1,11,00,000/- and subsequently, when they wanted to go for registration, they came to know that the land is prohibited land and with the efforts of the petitioners, the prohibition was deleted. When the complainant demanded to execute the sale deed, the petitioner Nos.1 and 2 postponed the execution on one or other pretext. Later, a sale deed was executed in favour of other petitioners/accused to an extent of Ac.1.13 guntas and thereby, the petitioners/ accused Nos.1 to 10 cheated the complainant.

3. Heard learned counsel for the petitioners/ accused Nos.1 and 10 and learned Additional Public Prosecutor.

4. The contention of the learned counsel for the petitioners/ accused Nos.1 to 10 is that there is a variation in the original agreement and the agreement, which is relied upon by the complainant. The considerations are differently reflected. It is further contended that on account of said variations, the petitioners/ accused Nos.1 and 2 did not register the land in favour of the complainant.

5. Learned counsel for the respondent/ de-facto complainant that there is dishonest intention on the part of the

petitioners in projecting the land as clear land, in fact such land is prohibited one. The own case of the complainant shows that after coming to know about the prohibition of the land agreed to sale, the complainant made efforts to get clearance from the concerned revenue authorities.

6. The conduct of the de-facto complainant shows that he has much aggrieved about the prohibition of land in the revenue registers. There is a subsequent breach of contract. As per the allegations, there is a serious contest with regard to the truthfulness of the agreement of sale brought in by both the petitioners and complainant. In view of such uncertainty, it is a fit case to grant bail to the petitioners/ accused Nos.1 to 10.

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

- (i) The petitioners/accused Nos.1 to 10 shall be released on bail on their executing a personal bond for Rs.25,000/- (Rupees twenty five thousand only) each with two sureties for a like sum each to the satisfaction of the Station House Officer, Banjarahills Police Station, Hyderabad District.

- (ii) The petitioners/ accused Nos.1 to 10 shall appear before the Station House Officer, Banjarahills Police Station, Hyderabad District on every Sunday in between 10.00 am to 05.00 pm for two months.

- (iii) The petitioners/accused Nos.1 to 10 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

26.06.2023
pld/plp

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