

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.1263 OF 2024

ORDER:

1. This Criminal Petition is filed by the petitioner/accused No.1 under Section 438 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”) seeking bail to the petitioner/accused No.1 in the event of his arrest in Crime No.13 of 2024 on the file of Raghunathapalem Police Station, Khammam District registered for the offences under Sections 420, 468, 471, 294-B and 506 r/w 34 of the Indian Penal Code (for short ‘the IPC’).

2. The case of the prosecution in brief was that on 20.01.2024 at 04:00 P.M., the *de facto* complainant lodged a report before the Police stating that he purchased five house plots each of 200 sq.yards, total 1000 sq.yards in Sy.No.190 and 191 situated at Koyachalka village of Raghunadhapalem Mandal under registered sale deed document No.929/2000 dated 11.07.2000 from petitioner/accused No.1 herein and the *de facto* complainant in turn sold three house plots in favour of one Juvvaji Srinivasa Rao *vide* registered sale deed document No.2117/2008 dated 28.04.2008 and the remaining two house plots were sold to one Koya Kalavathi *vide* registered document

No.2116/2008 dated 28.04.2008. The complainant further alleged that the *de facto* complainant and the other two purchasers went to their house plots and found that some persons were fixing fencing around their plots and on questioning them, they replied that there were no house plots bearing No.263, 264, 265, 266 and 267 in Sy.Nos.190 and 191. On 08.01.2024 at 2.30 P.M., the *de facto* complainant and two other purchasers approached petitioner/accused No.1 and asked him for selling non-existent house plots. On that accused Nos.2 and 3 scolded them in filthy language and threatened them with criminal intimidation.

3. Basing on the said report, the above crime was registered.
4. Heard Sri M. Ramalingeswara Reddy, learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State.
5. Learned counsel for the petitioner submitted that the incident was alleged to have taken place on 08.01.2024 at 2.30 P.M. but the complaint was lodged on 20.01.2024 after a gap of 12 days. The plots were also sold in the year 2000, about 24 years ago and the *de facto* complainant in turn sold the said plots in the year 2008 to third parties and both the transactions were done *vide* registered sale deed documents. The petitioner could not be made responsible for the fault of

the *de facto* complainant or other purchasers for their failure to protect the property and prayed for grant of anticipatory bail to the petitioner.

6. Learned Assistant Public Prosecutor opposed grant of anticipatory bail to the petitioner.

7. Considering that incident of selling of the plots to the *de facto* complainant occurred long back i.e., about 24 years ago and the *de facto* complainant also sold the plots to third parties in the year 2008 itself and there was a delay in lodging the report also, it is considered fit to grant anticipatory bail to the petitioner in the event of his arrest, subject to the following conditions:

- i. The petitioner/accused No.1 is directed to surrender before the Station House Officer, Raghunathapalem Police Station, Khammam District, within a period of fifteen days from the date of this order, and on such surrender, he shall be released on bail on executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, for a like sum each to the satisfaction of Station House Officer.
- ii. The petitioner/accused No.1 shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C.

8. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

DR.G. RADHA RANI, J

Date: 07.02.2024

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69

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Dt.07.02.2024

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