

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2372 of 2024

ORDER:

This Criminal Petition is filed by the petitioner / A11 for grant of anticipatory bail in connection with Crime No.85 of 2024 on the file of PS Khanapur Haveli, Khammam, registered for the offences under Sections 120-B, 427, 447, 467, 471, 477 and 478 of IPC.

2. The de-facto complainant lodged a report before the Police on 07.02.2024 at 20:00 hours stating that in between the years 1983 to 1987, the then TNGOs Association purchased Ac.54-12 guntas of land from different farmers, altered it into 474 plots and sold them to the members who were in service. Out of the plots, an extent of 4½ acres was left vacant for the purpose of joint needs. Later, some of the encroachers occupied the left out place of 4½ acres of land and the dead end plots, by fabricating documents and got municipal permissions and made illegal constructions. Basing on the said report, the above crime was registered.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

4. Learned counsel for the petitioner submitted that the petitioner was a reputed Chartered Accountant in Khammam City and a senior citizen. The petitioner had not purchased any plot in the said location nor he was in possession of any bit of it. Except showing the petitioner as an accused, his role in the creation of the documents or his possession was not stated. In the absence of specific allegations about the details of land and the nature of the document and possession, Sections 447 and 427 of IPC could not be applied. There were no allegations against the petitioner for the offences under Sections 467, 468 and 471 of IPC and prayed for grant of anticipatory bail to the petitioner.

5. Learned Additional Public Prosecutor on the other hand contended that the petitioner along with others occupied the plots and green belt area. His name was mentioned in the FIR and his role was also specifically stated. As such, he was not entitled for grant of anticipatory bail.

6. Perused the record.

7. Considering that there were no allegations against the petitioner that he had fabricated the documents or committed any forgery or cheated the de-facto complainant attracting the offences under Sections 420, 468 and 471 of IPC and the only allegation raised against him was that he purchased a plot at the edge of venture without mentioning any survey number or location and the petitioner

was stating that he had not purchased any land in the said location nor he was in possession of any bit of it and considering the contention of the learned counsel for the petitioner that the petitioner was a Chartered Accountant, a senior citizen and a reputed person, against whom the allegations were made without any basis, it is considered fit to grant anticipatory bail to the petitioner on certain conditions.

8. In the result, the Criminal Petition is allowed and the petitioner - A11 is granted anticipatory bail subject to the following conditions:

(i) The petitioner – A11 is directed to surrender before the Station House Officer, PS Khanupur Haveli, Khammam within a period of (15) days from the date of this Order, and on such surrender, the SHO of PS Khanupur Haveli, Khammam shall release the petitioner on bail on his executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties for the like sum each to the satisfaction of the said Station House Officer.

(ii) The petitioner - accused shall comply with all the conditions laid down under Section 438(2) of Cr.P.C.

As a sequel, miscellaneous applications pending in this petition, if any shall stand closed.

Dr. G. RADHA RANI, J

Date: 04th March, 2024
Nsk.