

THE HONOURABLE Dr.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2701 of 2024

ORDER:

This Criminal Petition is filed by the petitioner - A12 for grant of anticipatory bail in connection with Crime No.85 of 2024 on the file of Khanapur Haveli Police Station, Khammam District, registered for the offences under Sections 447, 427, 420, 467, 468, 471 and 120-B 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 Assistant Public Prosecutor.

4. Learned counsel for the petitioner submitted that the petitioner was a senior citizen and an agriculturist. The alleged offences under Sections 467, 471, 420, 468 and 120-B IPC were not applicable to the petitioner and the offence that could be applicable to the petitioner was only under Section 447 IPC, which was a bailable offence. He further submitted that this Court granted anticipatory bail to Accused No.11 and the petitioner herein also stood on the same footing as that of A11, and prayed to enlarge the petitioner on anticipatory bail.

5. Learned Additional Public Prosecutor submitted that the name of the petitioner was found in the FIR and it was specifically mentioned by the complainant that the petitioner had occupied the plots of some other persons and as such, prayed to dismiss the bail application of the petitioner.

6. Perused the record. Considering that the offences under cheating and forgery were not attributed to the petitioner and the allegations attributed to the petitioner was for the offence under Section 447 IPC only and no information was gathered till date as to whose plots were occupied by the petitioner and the statements of any persons was not recorded to show that the plots belonged to them and as the

petitioner also stands on the same footing as that of A11, it is considered fit to grant anticipatory bail to the petitioner conditionally.

7. In the result, the Criminal Petition is allowed and the petitioner – Accused No.12 is granted anticipatory bail subject to the following conditions:

(i) The petitioner – Accused No.12 is directed to surrender before the Station House Officer, Khanapur Haveli Police Station, Khammam District, within a period of (15) days from the date of this order, and on such surrender, the said Station House Officer 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 No.12 shall appear before the Station House Officer, Khanapur Haveli Police Station, Khammam District on all the dates as and when he was required for investigation and 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.

March 13, 2024
KTL

Dr. G. RADHA RANI, J