

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.2756 OF 2024

ORDER:

This Criminal Petition is filed under Section 438 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”) seeking anticipatory bail to the petitioner-Accused No.2 in Crime No.59 of 2024 of Yellareddypet Police Station, Rajanna Sircilla District, registered for the offences punishable under Sections 294(b), 420, 386, 506 read with 34 of IPC and Sections 3(1)(r)(s) and 3(2)(va) of SCs & STs (POA) Amendment Act, 2015.

2. The case of the prosecution in brief was that on 22.02.2024 at 17.00 hours, the *de-facto* complainant, who was working as CRPF constable lodged a report stating that on 29.02.2023, he entered into an agreement for purchasing a land from A2, (the petitioner herein). The land was located at Yellareddypet, Block 0-10, Plot No.2, Sy.No.375, to an extent of 232 yards. As per the agreement, the complainant agreed to purchase the land for a total amount of Rs.41,76,000/- and paid an advance of Rs.2,50,000/- to A2. At that time, A1 the son of A2 also signed on the said document as a witness. Later, on 14.11.2023, the complainant as per the agreement paid the remaining amount of Rs.13,00,000/- to the petitioner-A2 and a receipt was executed on a bond paper in the presence of the witnesses. The complainant paid total amount of Rs.15,50,000/- to the petitioner-A2. On 13.12.2023, the complainant approached A1 and A2 with the remaining money but

A2 postponed the land registration for one or other reason. While so, on 22.02.2024, the complainant approached A1 near old bus stand in Yellareddypet and asked about the land matter. The complainant demanded to pay an additional amount of Rs.5,00,000/-, otherwise, he would not return the amount paid by him and would not register the land and threatened him. While the complainant came to police station for lodging the report, meantime, A1 also came there and abused him in filthy language and also in the name of his caste and also demanded him to pay an additional amount of Rs.5,00,000/- and threatened to kill him. The complainant further stated that he tried to settle the issue before the elders due to which the delay was caused. Basing on the said report, the above crime was registered and A1 was arrested on 27.02.2024.

3. Notice was issued to the respondent No.2-*de-facto* complainant and it was served on the respondent No.2, as per the information given by the learned Additional Public Prosecutor, but there is no representation for him.

4. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State.

5. Learned counsel for the petitioner submitted that the incident was alleged to be happened on 22.02.2024 at 5:00 P.M., but the complaint was lodged on 26.02.2024 at 4:00 P.M., against A1 and A2. The complaint would not disclose

any allegations made against the petitioner-A2 except stating that the petitioner had not registered the plot to the complainant even after receiving part of the sale consideration. The complainant failed to perform the contractual obligation and instead of resorting to civil remedy, foisted a false case against the petitioner. The matter was civil in nature. In view of the non-payment of the total sale consideration within a period of 45 days i.e., on or before 15.12.2023, the petitioner-A2 had not registered the plot. The present complaint was filed only to pressurize the petitioner for registering the plot. The ingredients of Section 3(2)(va) of SCs & STs (POA) Amendment Act, 2015 and Sections 294(b) and 386 of IPC would not attract to the present petitioner. The petitioner was a senior citizen. He met with an accident and sustained severe fracture injuries and prayed to grant anticipatory bail to the petitioner.

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

7. Perused the record. Considering that the complaint would not disclose the presence of the petitioner at the time of the alleged incident on 22.02.2024 which occurred near old bus stand in Yellareddypet and the same was reported only against A1, the son of A2 and as the allegations made against the present petitioner would *prima facie* disclose that the matter was civil in nature and as it appears that due to failure of registration of plot in his name, the present complaint was foisted

by the *de-facto* complainant, it is considered fit to enlarge the petitioner on anticipatory bail on certain conditions.

8. Accordingly, the Criminal Petition is allowed and the petitioner -accused No.2 shall be released on anticipatory bail subject to the following conditions:

- 1) The petitioner-Accused No.2 is directed to surrender before the Station House Officer, Yellareddypet Police Station, Rajanna Sircilla District, within a period of 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioner on bail, on his 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 the said Station House Officer.
- 2) The petitioner-Accused No.2 shall abide by the conditions stipulated under Section 438(2) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

March 19, 2024
ss

Dr. G.RADHA RANI, J