

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.2795 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner-A1 under Section 438 of Cr.P.C. for grant of anticipatory bail in Crime No.133 of 2024 of Sircilla Police Station, Rajanna Sircilla District, registered for the offences punishable under Sections 120-B, 468, 471, 420 and 386 read with 34 of IPC.

2. The case of the prosecution, in brief, was that on 01.03.2024 at 20.30 hours, the *de-facto* complainant lodged a report stating that his father late Guduri Rajaiah and his elder father's son late Guduri Parashuram purchased the land in Sy.No.1562 on 17.08.1990. To the east of which, their land of Ac.2½ in Sy.No.1560 was located. To go to their agricultural land, there was 30 feet road. The said road was in their possession, as per the orders in O.S.No.503 of 1990 dated 17.08.1990. Later, the Municipal office issued a notice to pay Municipal Tax vide assessment No.105000388 and they paid the tax. Few days ago, he came to know that some persons were trying to encroach the said land. He went to the Sub-Registrar Office and came to know that Kalluri Chandana (petitioner herein) registered GPA in favour of Chowtupalli Chandra Shekar vide document No.6939 dated 03.10.2016 to an extent of 363 Sq. yards to Redda Boina Gopi through Chowtupalli Chandra Shekar vide document No.12476 on 13.12.2016 for

an amount of Rs.8,72,000/-. Further, he came to know that a part of the said land to an extent of 181 ½ Sq. yards was sold by Redda Boina Gopi to Kalluri Chandana for an amount of Rs.13,50,000/- vide Doc.No.1454 by Sub-Registrar, Sircilla on 08.02.2020.

2.1. He further submitted that Kalluri Chandana was not having any land, but only with an intention to encroach their land, she along with Redda Boina Gopi created forged document and was trying to encroach the way to their agricultural land. On 21.02.2024, in the morning hours, the above three persons threatened him with dire consequences to kill. Due to which, he left the place fearing for his life. Basing on the said report, the above crime was registered.

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

4. Learned counsel for the petitioner submitted that the contents of the complaint would not attract the ingredients of the alleged offences. The complainant had lodged a complaint to resist the application filed by the petitioner-A1 before the Municipal Authorities against the *de-facto* complainant for his illegal activity. The petitioner was enjoying the said land for the past 20 years. He had not explained the delay in lodging the report. The alleged incident was stated to have been occurred on 21.02.2024 in the morning hours, but the

complaint was lodged on 01.03.2024. The complaint was lodged by the complainant only to protect himself from the complaint lodged by the petitioner-A1 against the *de-facto* complainant for illegal registration made to the Municipal Authorities without having any title over the suit property and prayed to grant anticipatory bail to the petitioner.

5. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner stating that there were allegations made against the petitioner by the *de-facto* complainant in his report dated 01.03.2024.

6. Perused the record.

7. Considering that the matter *prima facie* appears to be civil in nature and the ingredients of Section 386 of IPC - Extortion by putting a person in fear of death or grievous hurt, are not coming forth in the report lodged by the complainant and as all the other offences alleged against the petitioner are punishable with imprisonment for less than seven (07) years, it is considered fit to grant anticipatory bail to the petitioner on certain conditions.

8. Accordingly, the Criminal Petition is allowed and the petitioner/accused shall be released on anticipatory bail subject to the following conditions:

- 1) The petitioner/A1 is directed to surrender herself
before the Station House Officer, Sircilla Police

Station, Rajanna Sircilla, 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 her 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/A1 shall abide by the conditions stipulated under Section 438(2) of Cr.P.C.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 15.03.2024

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Dr. G. RADHA RANI, J