

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.2958 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 petitioners-Accused Nos.10 to 17 in Crime No.123 of 2024 on the file of the Station House Officer, Adibatla Police Station, Rachakonda District, registered for the offences punishable under Sections 147, 148, 447, 427, 307, 436, 506 read with 149 IPC.

2. The case of the prosecution in brief was that 03.03.2024 at 9.30 hours, the de facto complainant, authorized representative of M/s.OSR Projects LLP, lodged a report before the police stating that he was also representative of M/s. SSAN Enterprises LLP. The above companies were associated entities with each other. Initially, M/s.OSR Projects LLP had purchased a plot admeasuring 10890 sq. yds., in Sy. No.32/RUU, Manneguda Village, Abdullapurmet Revenue Mandal, under a registered sale deed document No.991 of 2020, dated 31.01.2020. Since purchase of the plot, their company was in peaceful possession of the said plot. Thereupon, the ownership of the said plot was transferred to their associate entity M/s.SSAN Enterprises LLP under a registered

sale deed document No.11347/2023 dated 16.09.2023. Thereupon, their company had constructed a compound wall surrounding the above plot to prevent trespassers and encroachers. One Jakkidi Surender Reddy was the owner of the agricultural land admeasuring Acs.2.10 gts., in Sy.No.32/RUU, Manneguda village and he conveyed the said land in favour of one Chava Suresh vide registered Agreement of Sale cum General Power of Attorney vide document No.6012/2013, dated 30.08.2013 registered at SRO, Narapally. Thereupon, the said Chava Suresh executed a registered sale deed in his favour under the capacity of AGPA Holder vide document No.6016 of 2013 dated 03.09.2013 registered at SRO, Narapally. After that, the said land was converted into non-agricultural land. In the meantime, Jakkidi Surender Reddy and his associates started interfering and disturbing the peaceful possession of the complainant even though they relinquished their rights over the land long back in the year 2013. On 07.02.2024, the said Jakkidi Surender Reddy and their vendor Chava Suresh and their henchmen criminally trespassed into the land, tried to level the land and threatened them with dire consequences. On receipt of their complaint, a case in Crime No.69 of 2024 under Sections 447, 427 and 506 IPC was registered. But the above persons did not change their attitude and continued their attempt to

trespass into their land. The company had constructed precast compound wall surrounding the land, erected a container and a hut and appointed caretakers to the land. On 03.03.2024 at 7.20 AM, Jakkidi Surender Reddy, Jakkidi Harinath, Shiva, Kalwakuntla Kannarao, Daniel and their other associates came to the said land along with one JCB bearing No.TS 07 GQ 8147 and criminally trespassed into their land, demolished the precast compound wall of the land. When the caretakers tried to resist their act, they beat them with stones and rods, lit fire to the hut and the container.

3. Basing on the said report, the above case in Crime No.123 of 2023 was registered against accused Nos.1 to 7. Subsequently, A6 and A7, the JCB owner and the driver, were arrested on 05.03.2024. On 08.03.2024, A3, A8 and A9 were arrested. A8 and A9 in their confession stated about the involvement of the petitioners-A10 to A17 in the crime.

4. Heard Sri C. Prathap Reddy, learned Senior Counsel appearing for the petitioners and the learned Additional Public Prosecutor for the respondent-State.

5. Learned Senior Counsel for the petitioners submitted that the petitioners were no way concerned with the alleged offences. Except the

confessional statement of A8 and A9, no specific allegations were made against the petitioners either in the FIR or in the remand report of A6 and A7. No incriminating material was collected against the petitioners. They had not trespassed into the land or created nuisance or attempted to kill anyone to attribute the alleged offences to them. The petitioners were apprehending their arrest and prayed for grant of anticipatory bail to them.

6. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioners stating that as per the confession of A8 and A9, their role came into light and the same would need to be investigated.

7. Perused the record. Considering that the names of the petitioners were not found in the FIR or in the remand report of A6 and A7 and their names came to light for the first time only basing upon the confession of A8 and A9, and A8 also stated that he received an amount of Rs.1,500/- from A1 after the incident, but not from the present petitioners, it is considered fit to grant anticipatory bail to the petitioners on certain conditions.

8. Accordingly, the Criminal Petition is allowed and the petitioners-A10 to A17 are granted anticipatory bail subject to the following conditions:

1. The petitioners-Accused Nos.10 to 17 are directed to surrender before the Station House Officer, Adibatla Police Station, Rachakonda District, within a period of 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioners on bail, on their executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties for a like sum each to the satisfaction of the said Station House Officer.
2. The petitioners-Accused Nos.10 to 17 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
KTL

Dr. G.RADHA RANI, J