

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.3047 of 2024

ORDER:

This Criminal Petition is filed by the Petitioner – Accused under Sections 437 and 439 of Code of Criminal Procedure for grant of regular bail in Crime No.93 of 2024 on the file of PS Karimnagar Rural, registered for the offences punishable under Sections 386 and 506 of IPC and Sections 3(1)(r)(s) and 3(2)(va) of SC / ST (Prevention of Atrocities) Amendment Act, 2015

2. The case of the prosecution in brief was that on 07.02.2024 at 13:30 hours, the *de facto* complainant lodged a report before the Police stating that he purchased a land admeasuring 144 square yards in Survey No.233/E situated at Road No.16, Karthikeya Nagar, Theegalaguttapalli Village from one Kummari Aruna, W/o.Ramachandram. He obtained permission from the Municipal Office for the construction of a house in the said land and started construction work on 22.01.2023. From day one, one Ponnala Kanakaiah, his wife and his son obstructed his work. In the said connection, the petitioner herein contacted him and stated that he would settle the issue and demanded Rs.2,00,000/- from him and threatened him that if he failed to pay the amount, he would deliver the said land to Ponnala Kanakaiah even by murdering him.

Out of fear, he agreed to give him Rs.2,00,000/-. He gave him Rs.1,00,000/- on 11.06.2023 and paid the balance amount of Rs.1,00,000/- through 'phone pe' app. However, he did not co-operate with him. The other party forcibly demolished the pillars constructed by him. He stated that they threatened him as he belonged to Schedule Caste and extorted Rs.2,00,000/- from him.

3. Basing on the said report, the above crime was registered and the petitioner was arrested on 07.02.2024.

4. Notice was issued to the respondent No.2 – *de facto* complainant and the learned Additional Public Prosecutor reported that it was served on the *de facto* complainant. But, the *de facto* complainant failed to make his appearance.

5. Heard the learned counsel for the petitioner – accused and the learned Additional Public Prosecutor for the respondent No.1 – State.

6. Learned counsel for the petitioner submitted that even as per the complaint, no single word was uttered by the petitioner against the *de facto* complainant in the name of his caste. No proof was filed by the *de facto* complainant for paying the amount alleged to be demanded by the petitioner. The police ought to have seen that a civil dispute was pending between the *de facto* complainant and one Ponnala Kanakaiah. Initially the *de facto* complainant lodged a report against Ponnala Kanakaiah, Thota Sripathi Rao,

Pavan and others on 11.01.2024 before the Station House Officer, Karimnagar Rural Police Station, which was registered as Crime No.28 of 2024 under Sections 447, 427 read with Section 34 of IPC. It was alleged in the said complaint that the petitioner acted as an elder to settle the civil dispute between both the parties. The said Ponnala Kanakaiah filed Criminal Petition No.1363 of 2024 before this Court to quash the FIR against him and the Court directed the Station House Officer to observe the procedure laid down under Section 41-A Cr.P.C. After lapse of one month from the said complaint, the petitioner filed this second complaint against the accused with similar allegations and developed it by saying that the petitioner extorted money to a tune of Rs.2,00,000/- by threatening him. He further submitted that the petitioner was also taken on police custody. The entire investigation was completed and prayed to enlarge the petitioner on bail.

7. Learned Additional Public Prosecutor opposed grant of bail to the petitioner – accused.

8. Perused the record.

9. Considering that there were no allegations in the complaint that the petitioner abused the *de facto* complainant in the name of his caste and that a civil case was also filed by one Ponnala Kanakaiah against the *de facto* complainant for perpetual injunction vide O.S.No.1074 of 2023 on the file of

the III Additional Junior Civil Judge at Karimnagar and though the petitioner had lodged a complaint earlier against Ponnala Kanakaiah vide Crime No.28 of 2024, but had not stated about the extortion made by the petitioner in the said case and only reported that he acted as an elderly person between them to settle the dispute and as the petitioner was taken into custody on 07.02.2024 and his custodial interrogation is also completed and his further custody was not required, it is considered fit to enlarge the petitioner on bail.

10. In the result, the Criminal Petition is allowed directing the petitioner to be released 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 III Additional Special Sessions Judge for SC / ST (Prevention of Atrocities) Act – cum – Additional Sessions Judge at Karimnagar. The petitioner shall comply with the conditions laid down under Section 437 (3) of Cr.P.C.

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

Dr. G.RADHA RANI, J

Date: 27th March, 2024
Nsk.