

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.3363 of 2024

ORDER:

This Criminal Petition is filed by the petitioner – A1 under Section 438 of Code of Criminal Procedure for grant of anticipatory bail in the event of her arrest in Crime No.586 of 2023 on the file of II Town Police Station, Khammam District, registered for the offences punishable under Sections 420, 467, 468 and 471 of IPC.

2. The case of the prosecution in brief was that on 30.12.2023 at 21:00 hours, the Enquiry Officer, District Welfare Office, Khammam lodged a report before the Police stating that as per G.O.Ms.No.59 dated 30.12.2014, the Government issued G.O. for regularization of certain Government lands, which were in occupation of the people. Accordingly, the petitioner herein applied for regularization of 415 square yards with H.No.11-11-20/6 situated in Survey No.92, adjacent to Ramalayam Temple, NSP Camp, Khammam. As an Enquiry Officer he made physical inspection by visiting the plot. During the field inspection, the applicant produced voter's ID card issued in the year 2013, ration card issued in the year 2012, passport issued in the year 2012. All the documents were issued in the address of H.No.11-11-20/6 and in the said plot one hall, two rooms and a tin shed were shown. Accordingly, the

recommendations were sent for regularization. However, their discrete enquires revealed that the land in question did not belong to the applicant Smt.Sri Vidya (the petitioner herein). On that, the Municipal and Revenue Authorities also caused enquires and their enquiries revealed that H.No.11-11-20/6 in Survey No.92 was existing, but the said house was demolished ten years back itself. Now, the petitioner painted the house number and gave it to some others for rent. She misled the Enquiry Officer and other officials by producing fake house number and obtained regularization. Though the land did not belong to her, she dishonestly with a fraudulent manner got the registration in her name.

2.1. It was further submitted that as per the Orders of the Collector, the registration was cancelled on 30.12.2023 and the shed was also demolished.

3. Basing on the said report, the above crime was registered for the offences punishable under Sections 420, 467, 468 and 471 of IPC. A2 – the husband of the petitioner – A1 was arrested on 25.01.2024.

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

5. Learned counsel for the petitioner submitted that the possession certificate issued by the Commissioner of Khammam Municipality dated 15.12.2007, the proceedings of the then Chairperson, Khammam Municipal Council dated 08.02.2008, electricity bills and payment of house tax, the un-

registered sale deed dated 05.03.2009 in favor of the petitioner coupled with the orders in W.P.No.27710 of 2012 before this Court and the voters list were reflecting the name of the petitioner as resident of the H.No.11-11-20/6. The said documents would clearly speak about the false allegations in the complaint and prayed for grant of anticipatory bail to the petitioner.

6. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner stating that the offences alleged were applicable to the petitioner, as such, she was not entitled to be granted anticipatory bail.

7. Perused the record.

8. Considering that as per the complaint itself, a field inspection was conducted by the Officers and that they visited the land shown by the petitioner, who was working as a Corporator of Khammam Municipal Corporation and regularized the property pertaining to the petitioner and now after the change of Government were stating that they caused enquiry and that the petitioner fraudulently obtained the registration in her name and as the complaint would disclose that the Collector had also cancelled the registration and the shed which was found in the said property was also demolished and the evidence gathered against the petitioner was documentary in nature and considering the fact that the petitioner is a woman Corporator, it is considered fit to grant anticipatory bail to the petitioner – A1.

9. In the result, the Criminal Petition is allowed and the petitioner – A1 is granted anticipatory bail subject to the following conditions:

(i) The petitioner – A1 is directed to surrender herself before the Station House Officer of II Town Police Station, Khammam District within a period of (15) days from the date of this Order, and on such surrender, the SHO of II Town Police Station, Khammam District shall release the petitioner – A1 on bail on her executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer.

(ii) The petitioner – A1 shall comply with the conditions stipulated under Section 438(2) of Cr.P.C. and shall co-operate with the Investigating Officer in conducting the investigation.

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

Dr. G. RADHA RANI, J

Date: 1st April, 2024

Nsk.