

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3329 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner - A1 under Sections 437 and 439 of Code of Criminal Procedure for grant of bail in Crime No.59 of 2024 on the file of PS Yellareddypet, Rajanna Sircilla District, registered for the offences punishable under Sections 294(b), 420, 386, 506 read with Section 34 of IPC and Sections 3(1)(r)(s) and 3(2)(va) of SC & STs (Prevention of Atrocities) 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 land was located at Yellareddypet, Block 0-10, Plot No.2, Survey No.375 to an extent of 232 square 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 petitioner herein), 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 an amount of Rs.13,00,000/- to 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 A2. On 13.12.2023, the complainant approached A1 (the petitioner herein) 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 (the petitioner herein) near old bus stand in Yellareddypet and asked about the land matter. The petitioner 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 (the petitioner herein) 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 the petitioner - A1 was arrested on 27.02.2024.

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

4. Heard the learned counsel for the petitioner - A1 and the learned Additional Public Prosecutor for the respondent No.1 - State.

5. Learned counsel for the petitioner submitted that a false complaint was filed by the *de facto* complainant under false allegations after lapse of four days. The incident was alleged to be happened on 22.02.2024 at 05:00 PM, but the complaint was lodged on 26.02.2024 at 04:00 PM. Taking advantage of his social status and official status and to avoid payment of balance sale consideration as mentioned under the agreement, the petitioner foisted a false case by influencing the police officials. As per the agreement, the *de facto* complainant had to pay an amount of Rs.41,76,000/- within 45 days. In view of non-payment of the sale consideration within the stipulated period, A2 had not registered the plot. The said dispute was purely civil in nature. The complaint was filed only to pressurize accused No.2 to register the said plot. The petitioner was in custody since 27.02.2024 and prayed to enlarge the petitioner on bail.

6. Learned Additional Public Prosecutor opposed grant of bail to the petitioner stating that specific allegations were made by the *de facto* complainant against the petitioner that the petitioner abused him in the name of his caste and that he demanded an additional amount of Rs.5,00,000/- for the registration of the plot and prayed to dismiss the petition.

7. Perused the record.

8. Considering that the petitioner - A1 is not a party to the agreement and only signed as a witness for the said transaction and he was not the owner of the property who could register the said plot or to demand for an additional amount of Rs.5,00,000/- and the case *prima facie* appears to be foisted against the petitioner only to avoid further payment within the stipulated time and the respondent No.2 had not even issued a notice expressing his readiness and willingness for specific performance of the agreement and that he was ready with the balance amount and the dispute appears to be civil in nature and the provisions of SC and ST Act and Section 386 of IPC appears to be invoked by taking advantage of his social status and also to avoid issuance of notice under Section 41-A Cr.P.C. and that the complaint was lodged with a delay of four days, it is considered fit to enlarge the petitioner on bail.

9. In the result, the Criminal Petition is allowed directing the petitioner - A1 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 learned I Additional Judicial Magistrate of First Class at Sircilla. The petitioner shall abide by the conditions stipulated under Section 437(3) of Cr.P.C.

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

Date: 28th March, 2024
Nsk.

Dr. G.RADHA RANI, J