

**THE HONOURABLE DR.JUSTICE G. RADHA RANI**

**CRIMINAL PETITION No.3848 of 2024**

**ORDER:**

This Criminal Petition is filed by the petitioner – accused under Section 438 of Code of Criminal Procedure for grant of anticipatory bail in the event of his arrest in Crime No.117 of 2024 on the file of PS Kothapalli, Karimnagar District, registered for the offences punishable under Sections 467, 468, 471, 447, 431 and 506 of IPC.

2. The case of the prosecution in brief was that on 30.03.2024 at 14:00 hours, the respondent No.2 - *de facto* complainant lodged a report before the PS stating that he purchased Ac.1-00 guntas of agricultural land in Survey No.148/D situated at Asif Nagar (Bavupeta) vide registered sale deed document No.2823 of 2011 dated 01.11.2011 from one Smt.Bondugula Vijaya, W/o.Venkatesam. The said Bondugula Venkatesam, Bondugula Vijaya and Bommineni Ravinder created forged documents that they had purchased the land admeasuring Ac.0-80 guntas from Penchala Anjaneyulu (the petitioner herein) and had done a false registration in their favor. In the year 2012, when he tried to lay fence around his land, Penchala Anjaneyulu and some others tried to remove the boundary stones of his land and threatened him with dire consequences. He approached the Court and filed O.S.No.594 of 2012 on the

file of Principal Junior Civil Judge, Karimnagar against Penchala Anjaneyulu seeking perpetual injunction. The Court gave a judgment in his favor on 10.07.2019.

2.1. He further stated that Penchala Anjaneyulu (the petitioner herein) had created forged documents in respect of Ac.0-80 guntas of land and was showing it to the people and was dividing the land into plots. He also created forged documents for the land admeasuring Ac.0-120 guntas and sent some henchmen into his land and threatened him with dire consequences. On 06.03.2024, at about 11:00 AM, when he visited his land, he found that Penchala Anjaneyulu parked the lorries in his land without his knowledge. He questioned Anjaneyulu with regard to it and Anjaneyulu told him that the land belonged to him, as such, he parked the lorries and threatened to kill him.

3. Basing on the said report, the above crime was registered against the petitioner herein for the above offences.

4. Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor for the respondent No.1 – State.

5. Learned counsel for the petitioner submitted that the petitioner purchased the land to an extent of Ac.0-33 guntas in Survey No.148/A, Ac.0-27 guntas in Survey No.148/D and Ac.0-20 guntas in Survey No.148/C situated at Asif Nagar Revenue Village, Gangadhara Mandal, Karimnagar Gram Panchayat,

Karimnagar District from Pittala Ravinder and another through registered sale deed document No.2818 of 2011 dated 02.11.2011. Since the date of purchase, he was in possession and enjoyment of the same. The respondent No.2 filed O.S.No.594 of 2012 before the Principal Junior Civil Judge – cum – Judicial Magistrate of First Class at Karimnagar against one Pentakar Gangoba and others and a judgment was passed in favor of respondent No.2 on 10.07.2019. Aggrieved by the same, the legal heirs of Pentakar Gangoba filed an appeal before the learned II Additional District Judge, Karimnagar vide A.S.No.13 of 2021 and the said appeal was pending. While the matter stood thus, the Kothapalli Police of Karimnagar were calling him and directing him to settle the civil dispute with respondent No.2. The police were interfering in the civil dispute pending between the petitioner and the respondent No.2 and were trying to arrest the petitioner. As such, prayed for grant of anticipatory bail to the petitioner.

6. Learned Assistant Public Prosecutor stated that the Investigating Officer called for information from the Tahsildar, Kothapalli for certain documents and the investigation was pending.

7. Perused the record.

8. Considering that the matter *prima facie* appears to be pertaining to the land in Survey No.148/D of Asifnagar and the report lodged by the complainant

itself would disclose that he purchased the said land from one Bondugula Vijaya and the said Vijaya along with others created forged documents showing that they purchased the land from the present petitioner herein i.e. Penchala Anjayneyulu and the petitioner was claiming the said land as that of him which *prima facie* is of civil in nature and as the respondent No.2 – *de facto* complainant had also lodged a complaint earlier on 13.01.2024, which was registered as Crime No.14 of 2024 by PS Kothapalli for the offences punishable under Sections 447, 427 and 506, read with Section 34 of IPC, for which 41-A notice was reported to be issued to the petitioner herein, but again lodged the present complaint incorporating the ingredients of the offence under Section 467 of IPC, which *prima facie* discloses his intention of harassing the petitioner to bring to his terms for settlement of issues on the pretext of arrest and as the present complaint was also lodged on 30.03.2024 with a delay of 24 days, and the criminal proceedings cannot be used as a measure to settle the civil disputes, it is considered fit to grant anticipatory bail to the petitioner on certain conditions.

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

- (i) The petitioner – Accused is directed to surrender himself before the Station House Officer of PS Kothapalli, Karimnagar District within a period of (15) days from the date of this order,

and on such surrender, the SHO of PS Kothapalli, Karimnagar District shall release the petitioner – Accused 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 said Station House Officer.

(ii) The petitioner – Accused shall comply with the conditions stipulated under Section 438(2) of Cr.P.C.

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

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**Dr. G. RADHA RANI, J**

**Date: 16<sup>th</sup> April, 2024**

**Nsk.**