

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.3972 of 2024

ORDER:

This Criminal Petition is filed by the petitioners – A11 and A12 under Section 438 of Code of Criminal Procedure for grant of anticipatory bail in the event of their arrest in Crime No.105 of 2023 on the file of Mokila Police Station, Rangareddy District (Cyberabad Unit), registered for the offences punishable under Sections 365, 386, 327, 120(B) read with Section 149 of IPC.

2. The case of the prosecution in brief was that on 15.11.2023 at 10:00 hours, the *de facto* complainant lodged a report about missing of his uncle Srinivasa Raju and that his uncle's car was found on the road situated at Kondakal thanda near Nagulapally Station.

3. Basing on the said report, initially a case was registered for the offence under Section 363 of IPC against unknown persons. Subsequently on 17.11.2023, the police received a MLC from AIG Hospital stating that the victim Srinivasa Raju got admitted for treatment at the said hospital.

4. The police recorded the statement of Srinivasa Raju, wherein he stated that he was doing real estate business. He was having total 100 acres of land situated at Thalakondapally, Chandradana Village, Ippulapally, Keshampet,

Zaheerabad, Vemula, Midjil, Kondakal and Nandigama. On 15.11.2023 at 07:15 hours, when he went to drop his younger son Rohit at Indus School, Mokila in his TATA Harrier Car bearing No.TS-10-FC-6688 and after dropping his son proceeded towards Shamshabad to discuss about his land and when he got down the car to attend nature call, meantime, a black color Mahindra Scorpio came there, four persons got down from the vehicle. They rounded him and took him forcibly in their vehicle and asked him to take them to his Talakondapally garden. But he took them to his venture at Ippulapally expecting that any known persons would be available in that venture. From there, they took him to Keshampet, Jadcherla and from there to a garden at Venkaiahpally and made him to sit in the garden. At about 7:00 PM in the night, Suryanarayana Raju (A1) came there. Suryanarayana Raju asked him that in the year 2012, he gave him Rs.35.00 lakhs to purchase the land at Midjil and the persons who came along with him rounded him and beat him with sticks and coconut tree branches. Due to which, he sustained severe contusion injuries over his shoulder and on his back. They also beat him with sticks on his legs. The victim told Suryanarayana Raju that he purchased the said land ten years ago and asked him to enquire the value of the land at that time and that he would pay the balance if any. He stated that he along with five others purchased 100 acres of land @ 2.5 lakhs to 3 lakhs per acre. He got arranged fencing, planted trees and attended other works. He promised Suryanarayana

Raju to register 10 acres of land on his name, but registered 6 acres of land in Survey No.120/2AA/2 situated at Vemula Village, Midjil Mandal, Mahaboobnagar District on his name and developed the said land. Now, he had to give balance 4 acres of land to Suryanarayana Raju, but the farmers who took the advance amounts to sell the lands did not come forward to register the lands. He informed the same to Suryanarayana Raju, but Suryanarayana Raju claimed that he purchased the land @ Rs.1.00 lakh per acre and he was entitled for 30 acres of land and demanded him to register the 30 acres of land on his name and threatened to kill him, his wife and his son and demanded to register the land situated at Chandradana Village of Thalakondapally Mandal on his name. The victim stated that he would register 20 acres of land and pay money to the 4 acres of land to the persons, who would come along with him. One Upender Reddy threatened him stating that he would kill his younger son while returning from school and also threatened to kill him and his wife and stated that they collected mobile locations with the help of a known police officer and conducted recce at his house and fixed GPS to his vehicle without his knowledge and threatened to heed to them otherwise they would smash his family. As such, he agreed to register the land. The discussions were concluded in the night at 09:30 PM. Then Suryanarayana Raju left the place by handing him over to Upender Reddy gang stating that he need to book slot for registration. Later, Upender Reddy men took him to Ananthapur via Kurnool

from Venkaiahpally in black color Mahindra Scorpio and on 16.11.2023 morning at 06:00 AM, they brought him to Shadnagar from there they took him to Thalakondapally and at 10:30 AM to the MRO Office, Thalakondapally. When he read the registration documents, it was found that it was prepared for 30 acres. When he questioned Suryanarayana Raju about the same, Suryanarayana Raju told him that he would re-register 6 acres of land on his name, if he would not disclose to any one about beating him. On that, he registered 30 acres of land in the name of Suryanarayana Raju. The registration was concluded at 01:00 PM. Later Upender Reddy and his men took him to Shadnagar from Thalakondapally and they brought him near Nandini Hotel, Shadnagar and gave him Rs.2,000/- and went towards Hyderabad. Chandu and his men proceeded towards Kurnool in white Scorpio vehicle. Later, he went to Shadnagar Scan Centre and Diagnostic at Shadnagar and underwent tests and later went to AIG Hospital, Gachibowli and admitted for treatment.

5 Basing on his statement, the Section of Law was altered to the above offences. A1 to A3 and A6 to A8 were arrested on 18.11.2023.

6. Heard the learned counsel for the petitioners and the learned Additional Prosecutor for the respondent – State.

7. Learned counsel for the petitioners submitted that the petitioner No.1 was the adjacent land holder of A1's lands. At the request of A1, the petitioners

attested their signatures as witnesses on the sale deed at the Office of the MRO – cum – Sub Registrar at Thalakondapally. Except that, there was no relation to them with the accused. A notice was issued by the Investigating Agency under Section 41-A of Cr.P.C. to the petitioners on 19.03.2024. But their names were neither found in the FIR nor in the remand report. After receiving the notice, the petitioners gave their explanation on 22.03.2024. They also visited the police station twice. But now, the Investigating Agency was showing anxiety to arrest the petitioners, as such the petitioners were apprehending their arrest and prayed to enlarge the petitioners on anticipatory bail.

8. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioners.

9. Perused the record.

10. Considering that the case was registered on 15.11.2023 and the main accused persons A1 to A3 and A6 to A8 were arrested on 18.11.2023 and as it was reported that they were released on regular bail and A4, A5 and A10 were granted anticipatory bail and the petitioners are stated to be the attestors of the sale deed document and a notice was issued to them under Section 41-A Cr.P.C., for which they also submitted their explanation and as they were not directly involved in the offences registered, it is considered fit to grant anticipatory bail to the petitioners on certain conditions.

11. In the result, the Criminal Petition is allowed and the petitioners – A11 and A12 were granted anticipatory bail subject to the following conditions:

(i) The petitioners – A11 and A12 are directed to surrender themselves before the Station House Officer of PS Mokila, Rangareddy District (Cyberabad Unit) within a period of (15) days from the date of this Order, and on such surrender, the SHO of PS Mokila, Rangareddy District (Cyberabad Unit) shall release the petitioners – A11 and A12 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.

(ii) The petitioners – A11 and A12 shall comply with the conditions laid down under Section 438(2) of Cr.P.C.

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

Date: 23rd April, 2024
Nsk.

Dr. G. RADHA RANI, J