

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

CRIMINAL PETITION No.5613 OF 2024

ORDER: (ORAL)

This Criminal Petition is filed, under Section 438 of the Criminal Procedure Code, seeking grant of anticipatory bail to the petitioners/accused Nos.1 and 2 in Crime No.240 of 2024 of Gachibowli Police Station, Cyberabad, registered for the offences punishable under Sections 447, 427, 465, 467, 471 and 506 of the Indian Penal Code, 1860 (for short, 'I.P.C.').

2. Heard learned counsel for the petitioners, learned Additional Public Prosecutor appearing for the respondent-State and perused the material available on record.

3. The case of the prosecution is that on 19.02.2024, Sri P.V. Ramanaiah lodged a complaint stating that his mother-in-law Mrs. T.Rangamma's husband Sri T. Kondaiah purchased land admeasuring 1500 Square Yards in Survey No.88/1 of Gachibowli Village, Serilingampally Mandal, *vide* document No.1043 of 2011 from GPA holders i.e., T.S.N. Murthi and R.S.R.Anjaneyulu and

got registered the same. In the west of the said land, there is Government land admeasuring 1672 Square Yards in Survey No.26.

4. It is further stated that petitioner No.1/accused No.1 created an unregistered sale document dated 26.11.2005 in respect of the land admeasuring 1466 Square Yards (part 1) and 902 Square Yards (part 2) in Survey Nos.88/1 and 89/1 of Serilingampally Village and Mandal, Ranga Reddy District and got it validated on 22.03.2006 by showing challans for Rs.2,72,200/- and Rs.1,62,000/- belonging to other persons. Later in the year 2011, he obtained LRS proceedings from Greater Hyderabad Municipal Corporation (for short, 'GHMC') by showing challan for a sum of Rs.4,48,230/- paid by another person.

5. It is further stated that basing on the said validation and LRS documents, the petitioners created registered document by grabbing the Government land and given it on lease to a sugarcane vendor. The petitioners along with sugarcane vendor and other persons

highhandedly threatened the watchman of the *de facto* complainant to vacate the said premises.

6. It is also stated that accused persons who have grabbed the Government land are also trying to grab the land of *de facto* complainant. It is also stated that GHMC filed counter in W.P.No.43300 of 2022 asserting that the documents submitted by the accused are fake and that on an application filed by the *de facto* complainant under the Right to Information Act, 2005, the GHMC *vide* proceedings No.438/RIT/cp/slpz/GHMC/2022, dated 27.12.2022, informed him that the LRS proceedings produced by the accused are fake documents.

7. Learned counsel for the petitioners submitted that the petitioners are innocent persons. They are falsely implicated in the present case. The petitioners are the absolute owners and possessors of the subject land. The *de facto* complainant under the guise of present complaint is trying to defeat the rights of the petitioners over the subject land. The petitioners have neither forged nor created any fake documents.

8. Learned Additional Public Prosecutor appearing for the respondent-State submitted that the petitioners are punishable for the alleged offences. There are serious allegations against the petitioners.

9. The dispute between the petitioners and the *de facto* complainant is civil in nature with regard to encroachment of the land. The *de facto* complainant is apprehending encroachment of the land in his possession by the petitioners.

10. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners/accused Nos.1 and 2.

11. Hence, the Criminal Petition is allowed and the petitioners/accused Nos.1 and 2 are directed to surrender before the Station House Officer, Gachibowli Police Station, Cyberabad, within 15 days from today. On such surrender, the petitioners shall be released on bail on their executing personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties for

a like sum each to the satisfaction of the said Station House Officer. Further, on such release, the petitioners shall abide by the following conditions:

1. The petitioners shall make themselves available for investigation as and when required by the police.
2. The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.
3. The petitioners shall not leave India without prior permission of the Court.

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

May 30, 2024.
MD/SSP

B. VIJAYSEN REDDY, J