

HON'BLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION Nos.2636 AND 2637 OF 2025

COMMON ORDER:

Heard Mr. D. Prakash Reddy, learned Senior Counsel representing Mr. K. Venu Madhav, learned counsel for the petitioners in both the criminal petitions and Mrs. Shalini Saxena, learned counsel representing learned Public Prosecutor appearing on behalf of respondent No.1 – State.

2. These two criminal petitions are filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (for Short 'BNSS') seeking anticipatory bail in the event of their arrest in connection with FIR Nos.190 of 2024 pending on the file of P.S. Chevella and Cr.No.175 of 2024 pending on the file of P.S. Mokila, Cyberabad Commissionerate, Ranga Reddy District.

3. The petitioners in both the aforesaid crimes are A.1 to A.3.

4. Since the petitioners and allegations made against them are almost common, the same are being heard and decided by way of this common order.

5. On the complaint lodged by Mr. Damodar Reddy Soma, the Police Chevella, registered a case in Cr.No.190 of 2024 against the petitioners herein and others for the offences punishable under Section

447, 427, 341, 420 and 506 read with 34 of IPC. Likewise, on the complaint lodged by the very same person, the Police Mokila has registered a case in Cr.No.175 of 2024 against the petitioners and others for the very same offences.

6. In the said complaint dated 22.05.2024 the allegations leveled against the petitioners herein are as follows:-

i) Respondent No.2 - *de facto* complainant purchased the land to an extent of Acs.20.20 guntas in Survey Nos.32, 35, 36 and 38, situated at Erlapally Village.

ii) There is a function hall in the said land in the name of his father. He is in possession of the land.

iii) In the year 2023, his neighbouring plot owners, petitioner Nos.1 to 3, came to his land and entered into half of his land illegally and demolished the function hall.

iv) When he went there, A.4, watchman of petitioner Nos.1 to 3 along with other persons, who are known as members of Bihar Gang, stopped him from entering into his lands and threatened him with dangerous weapons to kill. This was happened several times, even on 22.05.2024 evening around 4.20 P.M. also.

v) Therefore, respondent No.2 sought to take necessary action against the petitioners herein.

7. Basing on the report given by respondent No.2, the police of Chevella registered the aforesaid Crime No.190 of 2024 for the aforesaid offences.

8. In the complaint dated 27.05.2024, the allegations leveled against the petitioners herein are as follows:-

9. The defacto-complainant along with his partners having land in certain survey numbers situated at Tangatoor Village, Shankerpally Mandal, Ranga Reddy District, they have developed the same under the name and style of 'Chaitanya Resorts' and some plots were sold to some prospective purchasers. A.1 got introduced to him saying that he is TRS party MLA of Armoor constituency, close trust worthy person to the family of the then Chief Minister and he can manage any type of work in the Government. A.1 stated that he is having good experience in the field of real estate and get all kind of permissions from Government. A.1 stated that after seeing the resort, he was impressed and got interest to develop the same. His wife/A.2 is also having certain properties. A.1 gave exchange offer to the defacto-complainant that if the defacto-complainant exchanges his property i.e., 93 Acres out of 170 Acres in

A.1's favour, A.1 will deposit Rs.12,29,00,000/- through cheques in favour of defacto-complainant. Thus, all of them i.e., Chaintanya Resorts, defacto-complainant his wife and other partners along with the A.1 to A.3 have entered into Memorandum of Understanding (MOU) dated 01.06.2016 to the said effect. Believing the words of A.1, the defacto-complainant transferred certain properties mentioned in the complaint without taking any sale consideration from the petitioners herein/A.1 to A.3. After compliance of his obligation, despite several requests, the petitioners herein failed to perform their obligation. With mala fide intention to grab his properties, petitioners/A.1 to A.3 threatened him and his family members with dire consequences and thereby cheated them. A.1 used to threat him with his goondas. Despite lodging several complaints, no action has been taken against the petitioners herein. Therefore, A.1 by misusing his power by keeping him in fear of death, took documents of his properties, implicated him in false cases, obtained his signatures on blank papers, taken his link documents by keeping him under pressure, coercion and force. Therefore, he requested the police to take action against the petitioners herein.

10. With the said allegations, Sri Damodar Reddy Sama, lodged the aforesaid two complaints with the police, Chevella and Mokila, who in turn registered the aforesaid two crimes.

11. It is apt to note that the petitioners and A.4 in Cr.No.190 of 2024 filed two criminal petitions vide Crl.P.Nos.5708 and 5709 of 2024 under Section 482 of Cr.P.C. to quash the aforesaid two crimes. Vide common order dated 19.02.2005, this Court dismissed the said quash petitions on the ground that there are serious allegations against the petitioners herein and also certain factual aspects which the Investigating Officer has to consider during the course of investigation. Scuttling the investigation at the threshold is impermissible.

12. Thereafter, the petitioners filed the present criminal petitions under Section 482 of BNSS seeking anticipatory bail to them.

13. Sri D.Prakash Reddy, learned Senior Counsel appearing for petitioners would contend as follows:-

- i. Vide order dated 03.06.2024, this Court directed the Investigating Officer not to arrest the petitioners herein and investigation may go on.

- ii. This Court also directed the petitioners to cooperate with the Investigating Officers by furnishing information as sought by the Investigating officers.
- iii. There is no allegation that the petitioners have not cooperated with the Investigating Officers.
- iv. In the counter filed by the State, it is stated that the case is still under investigation for collection of evidence, at this stage, if the petitioners/accused are granted anticipatory bail, they will not cooperate with the Investigating Agency and they will try to tamper the evidence.
- v. There is no allegation against the petitioners herein and they have not cooperated with the Investigating Officers and that they have threatened any witnesses and that they have interfered with the investigation.
- vi. With regard to the subject property, the proceedings under Section 145 of Cr.P.C. were promulgated.
- vii. Petitioners 2 and 3 are women.
- viii. 3rd petitioner is a senior citizen, aged about 61 years.
- ix. The disputes between the petitioners and defacto-complainant are civil in nature.

- x. Admittedly, the aforesaid suits are pending.
- xi. The petitioners will cooperate with the Investigating Officer in concluding investigation.
- xii. They will abide by the conditions to be imposed by this Court while granting anticipatory bail.

14. Whereas, learned Public Prosecutor would contend as follows:-

- i. The allegations levelled against the petitioner herein are serious in nature.
- ii. There is an allegation of grievous hurt to the defacto-complainant and criminal trespass.
- iii. The Investigating Officers have recorded statements of five witnesses.
- iv. This Court vide common order dated 19.02.2025 in Crl.P.Nos.5708 and 5709 of 2024 dismissed the quash petitions filed by the petitioners herein including A.4 in Cr.No.190 of 2024 holding that the allegations levelled against the petitioners herein are serious in nature and scuttling the investigation at the threshold is impermissible.

- v. The petitioner herein failed to make out any case to grant anticipatory bail.
- vi. The petitioners hired Bihar and Punjab gang and others to threaten the defacto-complainant and his partners and tried to grab the said property.
- vii. The Investigating Officers have to record the evidence of some more crucial witnesses.
- viii. Petitioner Nos.2 and 3 were present at the scene of offence and they have actively participated in commission of offences.
- ix. They have addressed a letter to Mandal Revenue Officer and Assistant Engineers, with a request to furnish information. The proceedings under Section 145 of Cr.P.C. were promulgated in respect of the subject property.
- x. 1st petitioner is former MLA. He has muscle and money power. If anticipatory bail is granted to the petitioners, they will not cooperate with the Investigating Agency. They will try to tamper the evidence.

15. As discussed supra, these two criminal petitions are filed by the petitioners seeking anticipatory bail. The offences levelled against

them are serious in nature. As stated supra, *prima facie*, there are serious allegations against the petitioners herein.

16. In **Siddharam Satlingappa Mhetre v. State of Maharashtra**¹, the Hon'ble Supreme Court laid down certain parameters that can be demonstrated while dealing with anticipatory bail which is relevant and is extracted below:

“121. No inflexible guidelines or straitjacket formula can be provided for grant or refusal of anticipatory bail. We are clearly of the view that no attempt should be made to provide rigid and inflexible guidelines in this respect because all circumstances and situations of future cannot be clearly visualized for the grant or refusal of anticipatory bail. In consonance with the legislative intention the grant or refusal of anticipatory bail should necessarily depend on facts and circumstances of each case. As aptly observed in the Constitution Bench decision in Sibbia's case (supra) that the High Court or the Court of Sessions to exercise their jurisdiction under section 438 Cr.P.C. by a wise and careful use of their discretion which by their long training and experience they are ideally suited to do. In any event, this is the legislative mandate which we are bound to respect and honour.

122. The following factors and parameters can be taken into consideration while dealing with the anticipatory bail:

¹. (2011) 1 SCC 694

- (i) The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;
- (ii) The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;
- (iii) The possibility of the applicant to flee from justice;
- (iv) The possibility of the accused's likelihood to repeat similar or the other offences.
- (v) Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.
- (vi) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people.
- (vii) The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which accused is implicated with the help of sections 34 and 149 of the Indian Penal Code, the court should consider with even greater care and caution because over implication in the cases is a matter of common knowledge and concern;
- (viii) While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors namely, no prejudice should be caused to the free, fair and full investigation and there should be prevention of harassment, humiliation and unjustified detention of the accused;

(ix) The court to consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;

(x) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail.”

17. As discussed supra, in the present crimes, *prima facie*, there are serious allegations against the 1st petitioner. He is Ex-MLA from Armoor Assembly Constituency. There is an allegation that he has hired Bihar and Punjab gangs, threatened the defacto-complainant and his partners and tried to grab the land of the defacto-complainant. He along with other accused, trespassed into the aforesaid land and occupied the function hall belongs to the defacto-complainant. They have demolished the said function hall and made new construction. He has hired A.4 who belongs to Maharashtra and also Bihar and Punjab gang, threatened the defacto-complainant and others with deadly weapons. They have threatened the defacto-complainant and his family members with dire consequences.

18. Thus, there are serious allegations against the petitioners that they have tried to eliminate the defacto-complainant and his partners

with the help of unsocial elements. They have confined the defacto-complainant at his premises. Despite lodging complaint, the Police, Chevella and Mokila, have not registered a case against the petitioners since the Petitioner No.1 was a Member of Legislative Assembly, Armour Assembly Constituency. He belongs to the then Ruling party. He managed the police. Thus, there is threat to the life of the defacto-complainant and his family members and partners from the 1st petitioner. Dates, time, phone number etc., are also specifically mentioned in the complaint.

19. There is also serious allegation against the 1st petitioner that he has taken the entire link documents of the aforesaid properties belongs to the defacto-complainant under the fear of death, force and coercion. He has also obtained signatures of the defacto-complainant on the blank papers and threatened him that he will implicate him in series of cases. Thus, the petitioners cheated the defacto-complainant. The Investigating Officer in Cr.No.175 of 2020 pending on the file of PS Mokila has recorded the statement of the defacto – complainant as L.W.1, his manager as L.W.2, his son as L.W.3, his wife as L.W.4. He has issued notices under Section 90/160 of Cr.P.C. to the defacto-complainant.

20. He has addressed a letter to Tahsildar, Shankarpally dated 28.05.2024 seeking certain information with regard to the aforesaid land. He has also issued notice dated 29.05.2024 to the Sub Registrar, Shankarpally under Section 91/160 of Cr.P.C. to furnish certified copies of sale deed pertaining to the subject property. He has also addressed a letter dated 28.05.2024 to the Mandal Panchayat Officers, Shankarpally seeking information with regard to the construction of compound wall etc. the Investigating Officer has to receive information with regard to the same. There was law and order problem. Therefore, the request made by the Deputy Commissioner of Police, Rajendra Nagar Zone, the RDO and Sub Divisional Magistrate, Chevella Division, promulgated the proceedings under Section 145 of Cr.P.C. with regard to the subject property. Vide memo dated 24.06.2024, the Deputy Commissioner of Police, Rajendra Nagar Zone, Hyderabad, informed the Inspectors of Chevella and Mokila, to maintain integrity and impartiality in land dispute in respect of 'Chaitanya resorts' belongs to the defacto-complainant and the land of A.1.

21. It is also relevant to note that the Investigating Officer in Cr.No.190 of 2024 has also addressed the said letters in the manner stated supra.

22. Thus, both the Investigating Officers in the aforesaid crimes addressed a letter dated 01.06.2024 to the Assistant Engineer, TSSPDCL, Shankarpalli, to furnish electric permits in respect of the aforesaid lands. The same is awaited. Thus, investigation is pending in both the crimes.

23. It is also relevant to note that on the complaint lodged by 1st petitioner, the Police, Mokila registered a case in Cr.No.176 of 2024 against the defacto-complainant, his son and three others for the offences under Sections 447, 427 and 506 read with 34 of IPC.

24. Thus, there are serious allegations against 1st petitioner. He is Ex-Member of Legislative Assembly from Armoor Assembly Constituency. There is also a serious allegation against him that he has induced the defacto-complainant and his family members stating that he has close acquaintance with the former Chief Minister, his son and daughter and they are his family friends. He is benami to them. He can get the things done in any government office. He got transfers, promotions to many officers by using his good office and influence. L.Ws.1 to 5 stated so in their statements recorded under Section 161 of Cr.P.C. by both the Investigating Officers in the aforesaid two crimes. On consideration of the serious allegations and factual aspects to be

considered by the Investigating Officers and that the investigation is pending in the aforesaid crimes, vide common order dated 19.02.2025, this Court dismissed both the criminal petitions vide Crl.P.Nos.5708 and 5709 of 2024. The Investigating Officers in both the crimes have to consider the said factual aspects.

25. As discussed supra, 2nd petitioner is wife and 3rd petitioner is mother of 1st petitioner. They are women. 3rd petitioner is senior citizen, aged about 61 years. Therefore, this Court is inclined to grant anticipatory bail to the petitioners Nos.2 and 3 whereas this Court is not inclined to grant anticipatory bail to the 1st petitioner in both the criminal petitions.

26. In the light of the same, these two criminal petitions are dismissed with regard to the grant of anticipatory bail to the petitioner No.1/A.1 in the aforesaid crimes. However, both the criminal petitions are allowed granting anticipatory bail to the petitioner Nos. 2 and 3/A.2 and A.3 only in the aforesaid crimes directing the Investigating Officers in both the crimes vide No.190 of 2024 pending on the file of P.S. Chevella and Cr.No.175 of 2024 pending on the file of P.S. Mokila, Cyberabad Commissionerate, Ranga Reddy District, to release the

petitioner Nos.2 and 3/A.2 and A.3 in the event of their arrest on the following conditions:

- i) The petitioner Nos.2 and 3 - Accused Nos.2 and 3 shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum each to the satisfaction of the Investigating Officers in Cr.No.190 of 2024 pending on the file of P.S. Chevella and Cr.No.175 of 2024 pending on the file of P.S. Mokila, Cyberabad Commissionerate, Ranga Reddy District.
- ii) They shall appear before the Investigating Officers in the aforesaid crimes once in a month i.e., Second Saturday between 10.00 A.M. and 5.00 P.M. till completion of investigation and filing of final report;
- iii) They shall co-operate with the Investigating Officers by furnishing information and documents as sought by them in concluding investigation;
- iv) They shall not interfere either with investigation or influence the witnesses in any manner; and
- v) They 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 from disclosing such facts to the Court or to the Investigating Officers.

27. In the result, both the Criminal Petitions are partly allowed.

As a sequel thereto, miscellaneous petitions, if any, pending in both the criminal petitions shall stand closed.

JUSTICE K. LAKSHMAN,

Date:19 .03.2025.

**Note: Registry is directed to return
the original record to the concerned
under proper acknowledgment.
b/o. vvr.**