

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.12416 of 2025

ORDER:

This Criminal Petition is filed before this Court by petitioner for grant of pre arrest bail in un-numbered crime on the file of Ellanthakunta Police Station, Rajanna Sircilla District.

2. The brief facts of the case are that the petitioner apprehended his arrest based on a letter addressed by the District Collector, Rajanna-Sircilla District, alleging that he tried to grab Government land. The petitioner was the absolute owner and possessor of Ac.5.00 gts of agricultural land in Sy.No.125/18 of Sirikonda Village, Ellanthakunta Mandal, which was acquired from his father, who had been in possession since the 1970s. His ownership and possession were confirmed through Lavuni Patta proceedings, phodi survey, and LRUP verification, and his name was reflected in all revenue records, Dharani portal, and the Bhu Bharati portal. Earlier, when one Bairi Lachaiah tried to encroach upon his land, the petitioner had filed O.S.No.310 of 2019,

which was decreed in his favour. Despite the decree, due to ongoing disputes, false complaints were allegedly made against him to the revenue authorities and the police to harass him.

3. Heard Sri Papaiah Peddakula, learned counsel appearing on behalf of the petitioner as well as the learned Additional Public Prosecutor appearing on behalf of the respondent – State.

4. Learned counsel for the petitioner submitted that the petitioner was falsely implicated due to personal enmity and motivated complaints by local individuals and that the petitioner had valid title and continuous possession over the property, as established by revenue records and court decrees, and there was no material to substantiate the allegation of encroachment. He further submitted that the authorities acted in a biased manner without conducting a proper enquiry, and there was an imminent threat of arrest. Therefore, he prayed the Court to grant pre-arrest bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor submitted that the crime was registered against the petitioner

vide Crime No.195 of 2025 for the offence under Section 420 of IPC. Further, the investigation is at initial stage. At this stage, it cannot be said that the petitioner has not committed any offence. Therefore, he prayed the Court to dismiss the criminal petition.

6. In the light of the submissions made by both the learned counsel and upon a perusal of the material available on record, it appears that the alleged offence against the petitioner under Section 420 of the IPC, which is punishable with imprisonment of less than seven years. Considering the same, this Court deems it appropriate to direct the petitioner/accused to appear before the Investigating Officer on or before 30.10.2025 between 11:00 a.m. and 05:00 p.m. In turn, the Investigating Officer is directed to follow the procedure laid down under Section 41-A of the Cr.P.C. and scrupulously adhere to the guidelines formulated by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹. However, the petitioner shall co-operate with the Investigating Officer as and when required by furnishing information and documents sought for the purpose of completing the

¹ (2014) 8 SCC 273

investigation. The petitioner shall file all documents necessary to establish that the case does not attract criminal liability, and the Investigating Officer shall consider the same before filing the appropriate report before the Magistrate.

6. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, if any pending, shall also stand closed.

K. SUJANA, J

Date: 13.10.2025

SAI

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