

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

CRIMINAL PETITION No.5621 of 2024

ORDER: (ORAL)

This criminal petition is filed, under Section 438 of the Criminal Procedure Code, seeking grant of anticipatory bail to the petitioner/A2 in Crime No.702 of 2021 of Alwal Police Station, Cyberabad, registered for the offences punishable under Sections 420, 448, 468 and 471 of the Indian Penal Code, 1860 (for short, 'IPC').

2. Heard learned counsel for the petitioner/A2, learned Additional Public Prosecutor representing respondent No.1/State and perused the material available on record.

3. The brief facts of the case are that the petitioner/A2 is the husband of A1. The above crime was registered on a complaint made by Sri B. Khailash Yadav stating that he is the owner and peaceful possessor of H.No.30-39/71, Plot No.71, Survey No.362/A, admeasuring an area of 306.66 square yards situated at Khanajiguda, Alwal, Malkajgiri Mandal, Ranga Reddy District, having purchased the same *vide* registered Sale Deed document

No.7235 of 2012 from the previous owner i.e. Sri D. Pentaiah, represented by his GPA holder Sri Rajendra Yadav and in order to protect his property, he constructed a compound wall long back. However, due to COVID-19 lockdown restrictions, he could not visit his plot. After COVID-19 lockdown restrictions, in the Month of May, 2021, the complainant visited his plot and found that Ms. Maddula Revathi (Accused No.1) and Sri Vijay Kumar (Accused No.2) broke open the locks and criminally trespassed into the land taking advantage of his absence. When the complainant made enquires, he was informed that the accused have purchased the same property from Ms. Maddi Suguna Sundari Manikyam, who is the mother of Accused No.1 and further informed that the said property was gifted to her by her mother in the month of February, 2021 and they have obtained electricity connection without any valid documents and the same was declared as null and void by the learned II Additional District Judge, Ranga Reddy District.

4. It is alleged that Sri Pratap Reddy, who is a GPA holder of Ms. Lachamma, had executed four Sale Deeds for an extent of

1202 square yards in Survey No.362, though he had only right to the extent of 960 square yards. The said Suguna Sundari Manikyam along with Sri Pratap Reddy, with an intention to illegally trespass into the land of the *de facto* complainant, has forged the document. Due to which, the *de facto* complainant filed a suit *vide* O.S. No.1011 of 2012 on the file of the learned II Additional District Judge, Ranga Reddy District, which was decreed in his favour.

5. It is admitted case of *de facto* complainant that a civil suit in O.S. No.1011 of 2012 was filed, which was decreed and on reading the contents of the FIR, it can be seen that there is a dispute regarding title and possession over the property, which was claimed by *de facto* complainant and the matter is predominantly civil in nature.

6. In the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner/accused No.2.

7. Hence, the criminal petition is allowed and the petitioner/A2 is directed to surrender before the Station House Officer, Alwal

Police Station, Cyberabad, within 15 days from today. On such surrender, the petitioner shall be released on bail on his executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer. Further, on such release, the petitioner shall abide by the following conditions:

1. The petitioner shall make himself available for investigation as and when required by the police.
2. The petitioner 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 petitioner shall not leave India without prior permission of the Court.

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

B. VIJAYSEN REDDY, J

Date: 30.05.2024.
SHA/NDS/SSP