

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
WEDNESDAY, THE THIRTIETH DAY OF AUGUST,
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE K SURESH REDDY
CRIMINAL PETITION Nos.: 6184 & 6192 of 2023



CRIMINAL PETITION NO: 6184 OF 2023

Between:

1. Pattapu Veerraju, S/o Somanna. Aged 66 years, R/o D.No.3-159. Post Office Raod, Yadavole Devarapalli Mandal, East Goadavari District-534316.
2. Pattapu Rambabu, S/o Somanna. Aged 54 years, R/o Ponguturu. Koyyalagudem Mandal, West Goadavari District-534312
3. Pedamalla Munikantam, W/o Krishnamurthi, Aged 47 years, R/o D.No.3-88. Kethavaram, Jangareddygudem Mandal, West Goadavari District-534312
4. Ankem Srinivasulu, S/o Veerbhadra rao, Aged 47 years, R/o D.No.3-287. Near Saibaba Temple, Yadavole Village, Devarapalli Mandal, East Goadavari District-534316.
5. Vamiseti Durga Rao, S/o Somaraju. Aged 50 years, R/o D.No.2-60 1. Beside Canara Bank, Yadavole Village, Devarapalli Mandal, East Goadavari District-534316.

...Petitioners/Accused Nos.4,5,6,8 & 9

AND

The State of Andhra Pradesh, through the Station House Officer, Devarapalli Police Station, Rep. by Public Prosecutor, High Court of Andhra Pradesh, At Amaravathi.

...Respondent/Respondent

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the memorandum of grounds filed in support of the Criminal Petition, the High Court may be pleased to enlarge the Petitioner/Accused Nos.4, 5, 6, 8 and 9 on bail in the event of their arrest by the Respondent Devarapalli P.S., East Godavari District, in Crime No.337/2023, dated 22.07.2023.,

The petition coming on for hearing, upon perusing the Petition and the memo of grounds filed in support thereof and upon hearing the arguments of Sri Malireddy Gowtham Advocate for the Petitioner and of Special Assistant Public Prosecutor for the Respondent.

CRIMINAL PETITION NO: 6192 OF 2023

Between:

1. Pattapu Srihari, S/o Somanna, Aged 56 years, R/o D.No.3-204, Near Madana Gopalaswamy Temple, Yadavole Village, Devarapalli Mandal, East Goadavari District-534316.
2. PattapuTirmalesh, S/o Srihari, Aged 25 years, R/o D.No.3-204, Near Madana Gopalaswamy Temple, Yadavole Village, Devarapalli Mandal, East Goadavari District-534316.
3. Pattapu Surya Mahesh, S/o Srihari, Aged 23 years, R/o D.No.3-204, Near Madana Gopalaswamy Temple, Yadavole Village, Devarapalli Mandal, East Goadavari District-534316.

...Petitioners/Accused Nos.1 to 3

AND

The State of Andhra Pradesh, through the Station House Officer, Devarapalli Police Station, Rep. by Public Prosecutor, High Court of Andhra Pradesh, At Amaravathi.

...Respondent/Respondent

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the memorandum of grounds filed in support of the Criminal Petition, the High Court may be pleased to enlarge the Petitioner/Accused Nos.1 to 3 on bail in the event of their arrest by the Respondent Devarapalli P.S., East Godavari District, in Crime No.337/2023, dated 22.07.2023.,

The petition coming on for hearing, upon perusing the Petition and the memo of grounds filed in support thereof and upon hearing the arguments of Sri Malireddy Gowtham, Advocate for the Petitioners and of Special Assistant Public Prosecutor for the Respondent and the Court made the following

THE HON'BLE SRI JUSTICE K. SURESH REDDY
CRIMINAL PETITION Nos. 6184 & 6192 OF 2023

COMMON ORDER:

As both the criminal petitions are arising out of same crime, they are being disposed of by this common order.

2. Accused Nos.4, 5, 6, 8 & 9 in Crime No.337 of 2023 of Devarapalli Police Station, East Godavari District are the petitioners in Criminal Petition No.6184 of 2023, whereas Accused Nos.1 to 3 are the petitioners in Criminal Petition No.6192 of 2023. They filed the present applications under Section 438 of the Criminal Procedure Code, 1973, seeking pre-arrest bail.
3. The said crime was registered for the offences punishable under Sections 420, 467, 468, 471, 120-B, 506(2) r/w 34 IPC.
4. The case of the prosecution is that the *de facto* complainant has purchased Ac.1.95 cents from the petitioners under a registered Sale deed for an amount of Rs.40 lakhs. Thereafter, the *de facto* complainant came to know that the said property was already sold by the father of A.1. Suppressing the said factum of alienation by father of

A.1, all the accused prepared a registered partition deed and sold the same property in favour of the *de facto* complainant. It is further alleged that the petitioners have also disclosed false survey number in the said sale deed. On the basis of the said allegations, the present crime has been registered against the petitioners.

5. Learned counsel for the petitioners contends that as there are certain financial disputes between the *de facto* complainant and the petitioners, they have already filed a suit in O.S.No.252 of 2023 on the file of Principal Junior Civil Judge, Kovvur seeking cancellation of the sale deed executed by A.1 to A.3 in favour of the *de facto* complainant and the same is pending. It is further contended by the learned counsel for the petitioners that the competent Civil Court already granted injunction in favour of petitioners/A.1 to A.3.

Learned counsel for the petitioners further contends that the dispute is purely civil in nature and only to pressurise the petitioners before the Civil Court, the *de facto* complainant resorted to present criminal prosecution.

6. On the other hand, the learned Special Assistant Public Prosecutor opposed to grant of anticipatory bail to the petitioners.

7. Be that as it may, as the dispute is with regard to sale of immovable property, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. The petitioners/Accused Nos.1 to 6, 8 & 9 are directed to surrender before Station House Officer, Devarapalli Police Station, East Godavari District within a period of ten (10) days from today. On such surrender, the Station House Officer, Devarapalli Police Station shall release the petitioners on bail, on their furnishing a personal bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties for a like sum each, to his satisfaction. After release, the petitioners are directed to report before the said Station House Officer on every Sunday between 10.00 a.m. and 1.00 p.m., until further orders.

9. Accordingly, both the criminal petitions are allowed.

//TRUE COPY//

For

Sd/- M. PADMALATHA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The IX Additional District and Sessions Judge, West Godavari, Kovvur.
2. The Station House Officer, Devarapalli Police Station, East Godavari District.
3. One CC to SRI. MALIREDDY GOWTHAM Advocate [OPUC]
4. Two CCs to Public Prosecutor (AP) High Court of Andhra Pradesh [OUT]
5. One spare copy

CVSS

HIGH COURT

KSRJ

DATED:30/08/2023

ANTICIPATORY BAIL ORDER

CRIMINAL PETITION Nos.: 6184 & 6192 of 2023

ALLOWED

