
(2023) 03 TEL CK 0068
In the Telangana High Court
Case No : Criminal Petition No. 2337 Of 2023

Vadthyavath Srinu

APPELLANT

Vs

State Of Telangana

RESPONDENT

Date of Decision : 20-03-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Citation : (2023) 03 TEL CK 0068

Hon'ble Judges : Dr. Chillakur Sumalatha, J

Bench : Single Bench

Advocate : Rapolu Bhaskar

Final Decision : Dismissed

Judgement

1. Heard Sri Rapolu Bhaskar, learned counsel for the petitioners as well as the learned Additional Public Prosecutor who is representing Respondent No.1-State.
2. This Criminal Petition is filed under Section 439 Cr.P.C. seeking the Court to enlarge the petitioners, who are arrayed as Accused Nos.1 to 11, 13, 16, 21 to 24, 30, 36, 43, 46 to 48 in Crime No.62 of 2023 of Saidabad Police Station, Hyderabad, on bail.
3. The facts of the case in brief as could be perceived through the contents of Part-I Case Diary are that the petitioners occupied certain extent of land which belongs to the defacto complainant and another and erected huts. In that regard, a Land Grabbing OP was filed before the competent Court and a Writ Petition was also filed before this Court. This Court directed the Revenue Divisional Officer, Hyderabad, to implement the eviction order issued. Basing on the directions of the Revenue Divisional Officer, the Tahsildar, Saidabad Mandal sought Police protection to implement the eviction order and to evict the unauthorized dwellers. The order was implemented. After taking over the possession, the defacto complainant and others constructed boundary wall, kept Watchman and laid tin sheets. However, the unauthorized dwellers demolished the boundary wall

and damaged the tin sheets and burnt them with fire. In that regard, a case was registered in Crime No.26 of 2023 of Saidabad Police Station. Again on 12.02.2023, the said land grabbers formed themselves into an unlawful assembly and tried to grab the land. They trespassed into the land by breaking the gate and damaged the CCTV cameras. They failed to follow the order issued by this Court. They attacked the watchman and the caretakers with an intention to kill them.

4. Contending that some of the accused are senior citizens and they have not committed any offences, learned counsel for the petitioners states that due to rivalry with regard to the landed property, a false case is foisted against the petitioners and therefore, they may be enlarged on bail.

5. Vehemently opposing the submission thus made, learned Additional Public Prosecutor states that intimating the illegal activities of the petitioners, a complaint was given basing on which a case was registered in Crime No.26 of 2023 of Saidabad Police Station initially. Learned Additional Public Prosecutor also states that thereafter, the petitioners again, by forming into an unlawful assembly, attacked the original owners and on that, a complaint was given basing on which Crime No.62 of 2023 of Saidabad Police Station was registered against the petitioners. Learned Additional Public Prosecutor contending that the petitioners are not entitled for bail, also states that after registration of the present case i.e., the case in Crime No.62 of 2023 in which bail is sought through this application, the petitioners again attacked Police personnel who were posted to guard the disputed property and caused injuries. Learned Additional Public Prosecutor states that police personnel were attacked with chilly powder and deadly weapons and the police personnel who sustained injuries in the hands of some of the petitioners, got admitted at Hospital and took treatment. Learned Additional Public Prosecutor also states that one of the police personnel besides sustaining simple injuries, also sustained a grievous injury and two other police personnel sustained simple injuries and took treatment. Learned Additional Public Prosecutor produced relevant record in support of his submission.

6. By all the submissions made, it is clear that an attempt is continuously being made to take into possession the disputed property by the petitioners herein and their acts are resulting in breach of peace and public order. Continuously, three criminal cases are registered basing on a single piece of land which is the subject matter of the dispute.

7. Having regard to the gravity in the allegations and having perceived breach of public order and societal peace, this Court is of the view that the request of the petitioners cannot be honoured.

8. Resultantly, the Criminal Petition stands dismissed.

9. Miscellaneous petitions pending, if any, shall stand closed.