

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 2658 of 2015

ORDER :

The petitioner, who is accused No.3 in Crime

No. 927 of 2014 of Banjara Hills Police Station, Hyderabad, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with the above crime registered for the offences punishable under Sections 380, 385, 420, 448, 506 r/w Section 34 IPC.

The case of the prosecution is as under:

The informant lodged a report stating that in August 2013 while he was discussing with a shopkeeper about the work of goldsmith in the General Bazar, Secunderabad, and expressing his interest on hiring an expert, A.1 noticed him. When he stepped out of the shop, A.1 followed him and introduced himself as a goldsmith, but the informant was reluctant to discuss anything with A.1. However, A.1 along with his brother-in-law (A.2) met the informant at his home. Even then, the informant expressed his unwillingness to hire them, as they are strangers. On repeated requests of A.1 and A.2, the informant agreed to entrust the work to A.2. After the entrustment of work, A.2 left to his village without any intimation to the informant. Later, when A.3, who is nephew of A.2, came to do the work, the informant refused to take him. On insistence of A.2, the informant permitted A.3 to do the work. Subsequently, A.3 brought A.4 and introduced him to the informant stating that he is his friend and would be his assistant. Both of them used to do the work of polishing, embossing/engraving etc. When the works were getting delayed, the informant used to question them. But, A.3 used to give evasive replies. Thereafter, the informant came to know through one U.Varada Chary, who claims to be the cousin of A.3, that he was cheated by A.3. When the informant confronted, A.4 is alleged to have confessed that A.3 had given him 35 grams of pure gold and he used to pawn the gold with certain pawnbrokers in pot market. The informant contacted A.2 and informed him about registering a police report against A.3. Then A.2 is alleged to have assured the informant that he would give 120 grams of gold by selling his house and requested the informant not to lodge any report. Later, the informant

realised that A.2 and his entire gang worked with a common intention to cheat him.

One P.Purushotham Chary who is a head constable in Intelligence Department and brother-in-law of A.2, called the informant and told him that he would help him to resolve the issue by locating A.3, and requested the informant not to give any report. With the assistance of said P.Purushotham Chary, the informant found out the whereabouts of A.3. Later, A.3 along with his wife are alleged to have met the informant and confessed about the entire incident. They expressed their willingness to work and repay the loss. As there was no other go to recover such huge loss, the informant decided to continue A.3. Thereafter, P.Purushotham Chary along with five persons came to the informant in order to check A.3 and his wife. But to his utter shock, the informant noticed that Purushotham Chary started talking to him in an offensive manner and tried to convince him that it is better if he forgets the 100 grams of gold and release A.3 and his wife. Purushotham Chary is also alleged to have stated that they are planning to settle the issue if the informant pays Rs.10 lakhs, failing which, he would involve the informant in false criminal cases and recover money from him in other ways apart from threatening him with dire consequences. Basing on these allegations, the above report came to be lodged.

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent-State.

A perusal of the material placed before the Court would disclose that earlier the wife of the petitioner lodged a report dated 27.06.2014 against the informant which came to be registered as Crime No.674 of 2014 of Banjara Hills Police Station for the offences punishable under Sections 354, 342, 506 and 509 IPC. But that itself may not be a ground to grant anticipatory bail to the petitioner. Earlier A.2 approached this Court vide CrI.P.No.1402 of 2015 for anticipatory bail, which was rejected on 06.03.2015. Having regard to the fact that the report given by the wife of the petitioner against the informant was earlier in point of time, taking into consideration the totality of the circumstances, and as the petitioner stands on the same footing as that of A.2, I am not inclined to consider the request of the petitioner.

Accordingly, the Criminal Petition is dismissed. However, the petitioner of so advised shall surrender before the concerned Magistrate and move an application for regular bail after giving prior notice to the Public Prosecutor in which event the same shall be dealt with, in accordance with law, either on the same day or at the earliest.

JUSTICE C. PRAVEEN KUMAR

2nd April, 2015

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