

**HON'BLE SRI JUSTICE A. SHANKAR
NARAYANA**

**CRIMINAL PETITION No. 3673 OF 2015
AND
CRL. PETITION MISC. PETITION No.4399 OF 2015
IN
CRIMINAL PETITION No.3673 OF 2015**

COMMON ORDER:

The instant Criminal Petition is filed by the petitioners, who are arraigned as Accused Nos.2 and 3 in FIR No.04 of 2014 of CID Police, Hyderabad, respectively, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'the Code') requesting to grant anticipatory bail.

2. The petitioners herein alleged to have committed the offences punishable under Sections 406, 420 and 120-B of the Indian Penal Code, 1860 (for short 'IPC'). The learned counsel for the petitioners pleaded innocence and false implication of the petitioners. Contending that the petitioners herein were engaged in real-estate business and they used to negotiate and deal with the lands between the landlords and the prospective purchasers and used to receive commission for the services rendered by them, and when the officials of the *de facto* complainant approached and requested them for search of suitable lands by expressing their readiness to purchase the lands promising to pay handsome commission to them, the petitioners have negotiated various lands and the *de facto* complainant on behalf of the company entered into agreements with the original landlords, but, however, the *de facto* complainant failed to keep up his promise in paying the commission and, in that connection since disputes have arisen, in

order to evade the payment of commission due to them, the instant complaint was lodged with false and frivolous allegations, alleging that they were ex-employees and committed breach of trust, though, they were never the employees of M/s Narne Estates Private Limited and, therefore, committing breach of trust does not arise and sought to grant anticipatory bail.

3. The learned Additional Public Prosecutor strongly resisted the request.

4. Perused the first information report and the complaint. As seen from the material, the Inspector of Police, EOW, CID, Andhra Pradesh, Hyderabad, conducted a preliminary enquiry and submitted report on 22-01-2014 at 2.00 P.M., which was registered as Crime No.04 of 2014 for the offences punishable under Sections 406, 420 and 120-B IPC against the petitioners herein and accused No.1, who is not a party to the instant petition.

5. The preliminary enquiry was conducted basing on the report submitted by one Sri N. Ranga Rao, who is Chairman and Managing Director of M/s Narne Estates Private Limited, Secunderabad, which reveals that one Mr. N. Gopal Naidu, brother of N. Ranga Rao, was the authorized person of their company for procurement of lands at Bibinagar village, Nalgonda District, whereas, petitioner No.1 herein - Mr. Ram Jyothi, was authorized for procurement of lands at various villages situated in and around Ranga Reddy District, and petitioner No.2 herein, who was under the supervision of two directors, as Assistant General Manager for Lands Department, entrusted with various land matters.

6. The sum and substance of the said report reveals that

instead of taking the sale deeds in the name of company, the sale deeds were got executed in their names and, thus, resorted to the acts that constituted the offences alleged against them. Number of instances have been mentioned in the report basing on which, the crime was registered which consists of about 48 pages. Thus, the alleged misappropriation in terms of money value appears to be very huge. Thus, it is not a fit case, where the petitioners are entitled to anticipatory bail. Hence, their request is refused.

7. Accordingly, the Criminal Petition is dismissed.

8. Consequent to the dismissal of instant Criminal Petition, no orders need be passed in Crl.P.M.P. No.4399 of 2015 filed to implead the said Ranga Rao Narne as respondent No.2 and, accordingly, the same is closed.

A. SHANKAR NARAYANA, J

April 30, 2015.

Mgr