

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.1618 of 2015

ORDER:

The petitioner, who is accused No.1, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.337 of 2014 of Eluru II Town Police Station, West Godavari District, registered for the offences punishable under Sections 420, 468, 471, 475 and 406 read with 34 IPC.

The case of the prosecution is that accused Nos.1 and 2 took a loan from Andhra Bank, Main Branch, Eluru, for fish culture by submitting relevant documents. Accused Nos.3 and 4 stood as guarantors. Subsequently, accused Nos.1 and 2 failed to repay the loan amount and became defaulters. On verification of the documents, some of the supporting documents namely pahanies and true copies of 1B register were found to be fake and fabricated. The bank authorities contacted the Tahsildar, Eluru, who on verification of the records submitted that the documents furnished by the petitioner are not genuine. Basing on these allegations the above case came to be registered.

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

Learned counsel for the petitioner submits that even accepting the allegations in the report to be true, no offence is made out against the petitioner. According to him, the original sale deeds which are submitted to a bank are genuine, but only pattedar pass books and pahanies are alleged to be fake. He further submits that the petitioners repaid substantial amount to the bank.

Learned Public prosecutor opposed the application.

A perusal of the material on record would show that the

petitioner, who obtained loan by submitting documents which on verification found to be fake. The Tahsildar, Eluru Mandal, also submitted a detailed report stating that the documents which are submitted to the bank while availing the loan are not genuine. The present outstanding balance of the loan as on the date of filing of the report is Rs.1,24,10,441/-. Even accepting that the petitioner has paid some amount to bank, but having regard to the circumstances stated above, I am not inclined to grant anticipatory bail to the petitioners.

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

JUSTICE C. PRAVEEN KUMAR

06.03.2015
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