

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.2026 of 2015

ORDER:

The petitioners, who are A.1 and A.2, filed the present application under Section 438 Cr.P.C., seeking release in the event of their arrest in connection with Crime No.183 of 2014 of Vanasthalipuram Police Station, Cyberabad, registered for the offences punishable under Sections 403, 405, 408, 420, 421 and 422 IPC.

The case of the prosecution is as under:

A.1 approached M/s. Shriram Transport Finance Co. Ltd. for loan to purchase a commercial vehicle on hypothecation basis. The finance company provided loan to A.1 on hypothecation agreement, for which A.2 stood as guarantor. Subsequently, A.1 failed to clear the due amount though the informant demanded A.1 to clear the entire debt. On 19.05.2013 at about 10.00 AM, the informant along with his executives went to the place of residence of A.1 for inspecting the vehicle. At that time, they came to know that the vehicle was sold out and A.1 was responsible for the disappearance of the vehicle. Meanwhile, A.1 gave information to Vanasthalipuram police station stating that the parked vehicle bearing No.AP-29-TA-4746 was stolen. Though, a crime was not registered, but after due enquiry, the police found that the vehicle was not parked at the said place. Basing on these allegations, the above case came to be registered.

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

The learned counsel for the petitioners submitted that even accepting the allegations made in the report to be true no offence is made out against the petitioners. The learned Public Prosecutor

opposed the criminal petition.

A perusal of the averments in the report would clearly show that the defence taken by the accused namely that the vehicle was stolen when parked in front of his house was found to be false. Having regard to the said circumstances, I am not inclined to grant anticipatory bail to the petitioners. However, the petitioners, if so advised, shall surrender before the appropriate Court and make an application for bail, after giving prior notice to the learned Public Prosecutor, in which event, the same shall be dealt with, in accordance with law, at the earliest.

Accordingly, the criminal petition is dismissed. Miscellaneous petitions pending, if any, shall also stand closed.

**C. PRAVEEN
KUMAR, J**

Date: 18.03.2015
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