

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 273 of 2015

ORDER:

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The petitioner, who is accused No.3, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.746 of 2014 of Kukatpally Police Station, Cyberabad, registered for the offences punishable under Sections 420, 468, 471, 323 and 506 read with 34 IPC. Originally a private complaint was filed under Section 200 Cr.P.C. which was referred to the police under Section 156 (3) Cr.P.C.

The case of the prosecution is as under:

Accused No.1 approached the informant and requested him to provide financial assistance. As per his request, the informant provided financial assistance to a vehicle bearing No. AP 28 TD 6767 advanced Rs.10,50,000/- repayable in 36 instalments. But accused No.1 failed to repay the said amount and subsequently he came to know that the said vehicle was sold to accused No.2, who in turn sold the same to the petitioner/accused No.3. The averments in the report disclose that all the three accused colluded and indulged in the said act only with a view to avoid payment to the informant. It is alleged that the said vehicle was transferred by forging signature and also by creating a fake R.C.Book. 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.

The averments in the report clearly disclose that all the three accused colluded with each other, created fake R.C.book and got the vehicle transferred in the name of the petitioner. The counsel for the petitioner tried to contend that the petitioner is a bonafide purchaser and a false case is filed. But in spite of giving number of opportunities, the

counsel for the petitioner did not place on record the R.C.book, which if placed would clinch the issue. Therefore, the allegation of conspiracy and cheating the financier by creating fake R.C.book cannot be said to be false at this stage. The said act was done with an intention to cheat the informant. Hence, I am not inclined to grant anticipatory bail to the petitioner. However, the petitioner, if so advised, shall surrender before the appropriate Court and move an application 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.

Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

23.02.2015

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CRIMINAL PETITION No.16348 of 2014

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07th January, 2015

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