THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.597 of 2015

ORDER:

The petitioner, who is the sole accused in Crime No.239 of 2014 of I Town Police Station, Anantapuram filed the present petition 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 420 and 506 IPC.

2. The case of the prosecution is that the informant along with one Mr.Ramaiah was running an Educational Institution under the name and style of " Sri Krishna Devaraya Engineering College" at Gooty. On coming to know that the petitioner is doing money lending business at L.B.Nagar, Hyderabad, the informant and his partner Ramaiah had approached the petitioner seeking a loan of Rs.25 crores in the month of August, 2013. After negotiations, they produced all the documents pertaining to their properties situated at Anantapur. It is further alleged that the petitioner, after inspecting them, refused to give loan stating that all the properties are situated at Anantapuram and not in Hyderabad. On that, the informant and said Ramaiah kept quite. In the month of December, 2013 the petitioner visited the Engineering College of the informant at Gooty and offered to raise a loan at H.D.F.C. Bank, Hyderabad, for that he was willing to offer his personal property as security by executing a registered sale deed and on a condition to give some blank cheques and some promissory notes in his favour. It is further alleged that having believed the words of the petitioner, the informant and his partner Ramaiah are alleged to have given 12 blank cheques and also 12 promissory notes in his favour. But the petitioner raised an amendment that instead of sale deed, he would execute a registered General Power of Attorney in favour of the informant and his partner and demanded them to pay Rs.1,50,00,000/- towards cost of execution of document and that for the remaining balance amount he would advance a temporary loan on condition to clear the said balance after granting loan by H.D.F.C. bank.

3. It is further alleged that 20-02-2014 the informant transferred an amount of Rs.1,33,00,000/- in various accounts as per the instructions of the petitioner. But in

the last week of February, the petitioner changed his version and informed them to open separate accounts in H.D.F.C. bank, Eluru for getting a loan. Thereafter, whenever the informant and his partner Ramaiah contacted the petitioner, he was giving evasive answers and postponing the matter on one or other pretext and ultimately failed to return the cheques and promissory notes given by them, thereby cheating them to a tune of Rs.1,33,00,000/-. Basing on these allegations, the above case came to be registered.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor for State.

5. Learned counsel for the petitioner submits that the petitioner is having fixed abode and question of abusing the process of law would not arise. He further submits that the allegations made in the report are false and inventing for the purpose of this case. Hence seeks anticipatory bail.

6. Learned Public Prosecutor opposed the petition.

7. A perusal of the case diary would show that the petitioner herein is involved in sixteen (16) cases, registered in various police stations in the State of Andhra Pradesh, and also in Karnataka State. The averments in the First Information Report clearly disclose that the petitioner herein collected amounts from the informant and his partner to an extent of Rs.1,33,00,000/-. Having regard to the nature of allegations made and as the petitioner is involved in sixteen cases registered in different Police Stations, this Court feels that it is not a case to grant anticipatory bail to the petitioner.

8. Accordingly, the Criminal Petition is dismissed. As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

09-02-2015

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