

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.3680 OF 2015

ORDER:

The petitioner, who is A-1 in Crime No.82 of 2015 of Falaknuma Police Station, Hyderabad, filed the present application 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 read with 34 IPC.

The case of prosecution is as under :

The informant lodged a report for taking appropriate action against the petitioner and six others for the above mentioned offences. According to him, one Azmath Khan, who is working as Agent at Mandal Office, Bahdurpura, introduced him and his friend by name Mohd. Shoaieb, who is resident of Jahnuma, Hyderabad, to the petitioner who is resident of Balapur Royal Colony, Hyderabad and also two other accused. It is alleged that these accused are alleged to have convinced the informant and his friend to provide minority loan and loans from Khadi Board and State Bank of India. In order to provide loan, the informant is alleged to have paid i) Rs.7,500/- on 17.04.2015, ii) Rs.10,000/- on 19.04.2015, iii)Rs.15,000/- on 20.04.2015, iv)Rs.53,000/- on 21.04.2014 and v)Rs.4,070/- on 22.04.2014. Till 26.01.2015 the accused received Rs.12,60,000/- from the informant. Apart from that the accused also collected the study certificates, Adhar Card, Bank passbook etc. Subsequently, the informant came to know that one Azmath Khan got opened a Bank account by misusing the Xerox copies of the documents given by him. He also obtained a cheque book in the name of the informant. When the accused failed to provide loan amount as pronounced, the informant along with his friend started demanding them either to provide loan or return the entire amount of Rs.12,60,000/- which was received from him, but they were postponing the same on one pretext or the other. On 11.11.2014 A-1 and others visited the house of the informant and gave a cheque for Rs. 37,300/- belonging to one R.Chandra. It is alleged that since three days prior to the lodging of the report, the accused were threatening the informant not to present the cheque and that if he presents the same they would kill him. Basing on these allegations, the above report came to be registered in the month of March 2015.

Heard the learned counsel appearing for the petitioner, the learned Public

Prosecutor appearing for the respondent/State and also perused the record.

A perusal of the averments in the First Information Report and also the statements of the witnesses recorded by the police during the course of investigation does not anywhere show as to the amount of loan which the accused promised to provide to the informant and his friend. But the informant and his friend are alleged to have paid Rs.12,60,000/- to the petitioner and other accused who promised to provide minority loan, loan from Khadi Board and State Bank of India. As stated earlier, the First Information Report does not reveal payment of Rs.2,60,000/-, but on the other hand, the addition of amounts mentioned in the First Information Report would come to around Rs.90,000/-. Apart from that the material placed by the learned counsel for the petitioner would show that the petitioner has filed O.S. No.130 of 2015 on the file of the II Additional Junior Civil Judge, L.B. Nagar against the informant seeking injunction. The said suit was filed in the month of March 2015. The averments in the plaint disclose that the petitioner herein obtained a loan of Rs.70,000/- from the defendant(informant) in the year 2014 and he has returned the entire amount of Rs.1,32,000/- inclusive of interest. In spite of payment, the defendant was interfering with the property belonging to the petitioner and as such the above suit was filed seeking injunction. He also placed on record, the counter-foils showing deposit of amount in the account of the informant bearing No.62039805397 at State Bank of Hyderabad. These receipts show deposit of Rs.1,07,000/- in the account of the petitioner. All the slips show deposit of amount prior to lodging of the report. Having regard to the circumstances stated above, the request of the petitioner can be considered on certain terms and conditions.

Accordingly, the criminal petition is allowed and the petitioner/A-1 is directed to surrender himself before the Station House Officer, Falaknuma Police Station, Hyderabad District, within a period of fifteen days from today and on such appearance, the petitioner shall be released on bail on his executing personal bond for Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum each to the satisfaction of the same Station House Officer and on further condition that he shall report before the Station House Officer, Falaknuma Police Station, Hyderabad District, once in a week i.e., on every Saturday between 10.00 a.m., and 12.00 noon for a period of 6 weeks or till filing of charge-sheet whichever is earlier.

JUSTICE C. PRAVEEN KUMAR

Date:28.04.2015

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