HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 1221 of 2015

ORDER:

The petitioner, who is accused No.2, filed the present application under Section 438 Cr.P.C. seeking release in the event of her arrest in connection with Crime No.737 of 2014 of KPHB Colony Police Station, Cyberabad, registered for the offences punishable under Sections 417, 420, 422, 423, 425 and 468 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 averments in the complaint would disclose that informant Nos.1 and 2 are husband and wife. Informant No.2 and Smt. A.V.Nalini Bhanu were jointly running a business of trading of industrial valves and pumps in the name and style of M/s. Ananya Trading Company, at H.No.112, Merghana Complex, Opp: Andhra Bank, Balanagar, Hyderabad. Informant No.2 and Smt. A.V.Nalini Bhanu jointly approached accused No.1 bank for business loan on 28.02.2012. As per the instructions of the bank authorities, the informant No.2 and Smt. A.V.Nalini Bhanu jointly submitted all necessary documents and subsequently on 01.03.2012 the bank sanctioned a loan of Rs.20.00 lakhs. Informant Nos.1 and 2 and one A.Chakaradhara Rao, who is the husband of Smt. A.V.Nalini Bhanu, jointly mortgaged the property bearing Flat No.101, 1st floor, constructed in plot Nos.20 and 21 in Sy.No.144, Padmavathi Residenty situated at Adarshnagar, Qutubullapur Village and Mandal, Ranga Reddy District, which was purchased under registered sale deed bearing No.3765 of 2007 dated 20.02.2007. They also mortgaged another property bearing Shop No.112, ground floor, Municipal No.A-22/25, APIE, 21 & 22 constructed in plot Nos.A 21 and A22, Meghana Complex, Fathenagar Village, Balanagar Mandal, Ranga Reddy District. In the year 2013 the entire loan amount was paid to accused No.1 bank and thereafter requested through letter dated 30.03.2013 to release the mortgaged documents by issuing no due certificate. But there was no reply from the concerned Branch Manager. On 24.06.2014 the tenant of the complainants received a notice from accused No.1 bank stating that the complainants stood as guarantors to M/s. Archies Gallery as such the bank intend to sell the property. It is alleged that the complainants never stood as guarantors to M/s. Archies Gallery and accused No.1 took some signatures on blank documents at the time of availing loan by M/s. Ananya Trading Company. It is alleged that accused No.1 in collusion with accused No.2 fabricated the document as if the informants stood as guarantors to M/s. Archies Gallery, thereby cheating the informants. Basing on these allegations the above complaint came to be lodged.

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

Learned counsel for the petitioner mainly submits that absolutely there is no material connecting the petitioner with the crime.

Learned Public Prosecutor opposed the application contending that accused No.2 colluded with accused No.1, who was Manager of Indian Bank, availed loan by using the documents which were kept by informant No.2 while availing the loan. It is his case that the averments in the report clearly disclose that the petitioner/accused No.2 along with accused No.1 forged the signature of informant No.2 for the purpose of obtaining the loan.

A perusal of the material on record discloses that the averments in the First Information Report clearly reveal the role of the petitioner in commission of the offence along with accused No.1. The learned Public Prosecutor on instructions submits that accused No.1 is involved in another case in respect of a transaction which took place in the same bank, wherein an amount of Rs.27.00 lakhs was alleged to have been misappropriated. It is also brought on record that the husband of the petitioner is involved in 13 cases of similar in nature. Since the allegations in the report clearly indicate that the petitioner along with accused No.1 forged the signature of informant No.2 also used the said documents for taking loan, I see no reason to grant anticipatory bail to the petitioner. However, the petitioner if so advised shall appear before the concerned Court and move an application for grant of bail after giving notice to the Public Prosecutor, in which event the same shall be dealt with on merits in accordance with law at the earliest.

Accordingly, the Criminal Petition is dismissed.

C. PRAVEEN KUMAR, J

25.02.2015
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