

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION Nos.13076, 13082, 13087 and 13088 OF 2016

COMMON ORDER:

Criminal Petition No.13076 of 2016 arises out of Crime No.179 of 2016 of Matwada Police Station, Warangal Commissionerate; Criminal Petition No.13082 of 2016 arises out of Crime No.206 of 2016 of Inthezargunj Police Station, Warangal, both are registered for the offences punishable under Sections 420 and 506 IPC. Whereas the Criminal Petition No.13087 of 2016 arises out of Crime No.221 of 2016 of Inthezargunj Police Station, Warangal, and Criminal Petition No.13088 of 2016 arises out of Crime No.233 of 2016 of Mills Colony Police Station, Warangal Urban, both are registered for the offences punishable under Sections 420 and 506 read with 34 IPC.

2. Since all the Criminal Petitions are filed by the same petitioner under Section 438 Code of Criminal Procedure, seeking release in the event of his arrest in the above mentioned crimes, all the Criminal Petitions are disposed of by way of this Common Order.

3. The allegations in all the First Information Reports are one and the same. The case of the prosecution is that A.1-Pulluri Kishore Kumar, A.2-Nagamalla Sarvesham and A.3-NR Guptha used to run Piram Kanakadara Trading Company and they also took Sri Subramanyeshwra Swamy Cotton Ginning Industries, Gorrekunta on lease, which was subsequently closed down. The reports were

lodged by traders, who run Prasannanjaneya traders, Kalyani traders, Om Sri Trading Company and Manikanta enterprises, who are the middle men in sale and purchase between the cotton farmers and the accused, who purchased the cotton. The accused allegedly purchased cotton worth of Rs.1,44,53,022/-. The normal practice was to clear off the sale price in respect of cotton purchased by them within 15 days from the date of purchase by paying to the traders, who in turn pay the amounts to the farmers. However, the accused having purchased cotton worth more than one crore through the middlemen of traders from the farmers, but failed to clear off the dues and accordingly, cheated the traders as well as farmers. When the informants demanded A.1 for payment of dues, there was no proper response. Basing on these allegations, the abovementioned crimes came to be registered.

4. Learned counsel for the petitioner mainly submits that the allegations in the reports are mainly directed against A.1 and no specific overt acts are attributed against the petitioner, hence seeks bail.

5. Learned Public Prosecutor opposed that same contending that during the course of investigation, the investigating officer collected the material, which discloses that the petitioner is one of the partners of Piram Kanakadhara Trading Company and Sri Subramanyeshwara Swamy Cotton Ginning Industries along with A.1 and A.3.

6. A perusal of the material placed before the Court and the impugned order would show that there were transfer of amounts from the account of A.1 to the account of the petitioner and the material placed before the Court would also show that various other amounts were paid in cash as confessed by A.1. The confession was also to the effect that A.1 and the petitioner together purchased property worth of Rs.30,00,000/-. Since large number of people were cheated due to non-payment of money by the petitioner and other accused and since the offences alleged, in my view, are grievous in nature, I am not inclined to grant anticipatory bail to the petitioner in the above crimes.

7. At this stage, it is brought to the notice of this Court that A.1 was arrested and released on bail. Having regard to the above, the petitioner shall surrender before the concerned Court and move 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.

8. Accordingly, all the Criminal Petitions are disposed of.

JUSTICE C. PRAVEEN KUMAR

Date:09.09.2016
INL