

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.11130 of 2016

ORDER :

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.285 of 2016 of Osmania University Police Station, Hyderabad, registered for the offences punishable under Sections 406 and 420 IPC.

The case of the prosecution is that the informant's aunt son by name K.Yadagiri Reddy introduced K.Naveen Reddy and J.Vinay Rao, who inturn informed the informant that there is a flat in Hyderabad for sale and if the informant purchases the said property now, he can sell the same later making profit. One A.V.N.Raju, who is the petitioner herein, was also introduced to the informant. On 10.11.2014 at about 8.00 p.m. the informant, Vinay Rao, Yadagiri Reddy and the petitioner went to Flat No.402, Municipal No.1-9-34/402, S.R.Apartment, Habsiguda and after seeing the same the informant decided to purchase it for an amount of Rs.13,75,000/- and on the same day he paid Rs.50,000/- towards advance. On 24.11.2014 the informant paid Rs.3,00,000/-, and Rs.3,50,000/- on 11.12.2014. It is stated by the petitioner that he will register the said property within 45 days to the informant after receiving the remaining balance sale consideration. It is the case of the informant that though he has been regularly visiting the house of the petitioner for balance payment, he has not responded and is protracting the same. On 17.06.2016 the informant along with his relative went to the flat and noticed one caution issued by the bank was fixed to the iron grill of the said flat. He has realized that he was cheated by the petitioner and others. Basing on these allegations the above case came to be

registered.

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

As seen from the report, the petitioner claiming himself to be the owner of the flat, sold the same in favour of the informant and collected a sum of Rs.7,00,000/-. Subsequently on 17.06.2016 the informant went to the flat and saw a caution notice issued by the bank affixed to the iron grill of the flat. It appears to be a case where the petitioner knowing that the said flat was hypothecated to the bank, sold the same in favour of the informant thereby causing wrongful loss to the informant. In view of the above, this Court is of the view that the petitioner is entitled for anticipatory bail. However, the petitioner is at liberty to surrender before the Court concerned and make an application for regular bail, in which event, the same shall be dealt with in accordance with law on the same day.

Accordingly, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

03.08.2016

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