

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION NO.10164 of 2016

ORDER :

The petitioner, who is one of the accused in Crime No.35 of 2016 of Itikyala Police Station, Mahabubnagar District, filed the present Criminal Petition under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with the above crime registered for an offence punishable under Section 420 of IPC.

The case of the prosecution is that the informant, who is working as compounder in Saikrupa hospital in Gadwal, and his friend Kavuru Anjaneyulu, at the instance of A1, intended to purchase 1Kg. gold biscuit from A2. Accordingly, A2 received Rs.5 lakhs initially from the informant and another and handed over 20 grams of gold biscuit to them stating that the remaining gold will be handed over on payment of balance of amount. On 11.03.2016, the said Kavuru Anjaneyulu and the informant went to Beechupalli temple to give the balance amount. At that time, the informant alone approached the three persons who were present there on behalf of A2, who took the amount from the informant and asked him to wait there so that they would return with gold from Yerravalli. But they failed to do so. When the informant contacted them, their phone was switched off. On the next day, the same was informed to A1. The informant along with A1 went to the house of said three persons, but they were not available. Basing on these allegations, the present case came to be registered.

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

Learned counsel for the petitioner submits that the allegations made in the report are vague and there is no reference to the name of the petitioner with regard to commission of the offence as alleged. Further, the petitioner is a retired constable and hence there is no chance of he committing the offence.

Learned Public Prosecutor opposed the application contending that the petitioner is a habitual offender involving in offences of this nature and that he is actively involved in the commission of this offence as well. He submits that another case is also registered against the petitioner for a similar offence.

Having regard to the nature of offence alleged and since the investigation is still pending, the request made by the petitioner cannot be accepted.

Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

29.07.2016
vnb