

HON' BLE SRI JUSTICE SURESH KUMAR KAIT

CrI.P. No. 16444 of 2016

ORDER:-

This Criminal Petition is filed under Sections 437 and 439 Cr.P.C. seeking to grant bail to the petitioner in connection with Cr.No. 998 of 2016 of K.P.H.B. Colony Police Station, Cyberabad, registered for the offence punishable under Section 420 IPC.

The case of the prosecution as per the allegations made in the complaint is that the petitioner, who owns Rold Gold Shop situated at Bus Stop, Nizamapet, informed the *de facto* complainant – Medipally Jyothi that he is residing beside her house, and induced that he would provide her gold items for less price with less making charges. Believing his words, she gave an amount of Rs.6.00 lakhs for gold ornaments. She informed her friend Annapurna who also paid him an amount of Rs.3.00 lakhs for purchasing gold ornaments. When they asked the petitioner for gold items, he postponed under one pretext or the other. Thereafter, the *de facto* complainant came to know that he collected money from others persons and cheated them, as such, she lodged the complaint against the petitioner, which culminated in the F.I.R.

The learned counsel for the petitioner submits that the petitioner is innocent and he is falsely implicated in this case.

Even though it is alleged that the petitioner collected money from thirteen similar persons it is nowhere mentioned in the complaint how much amount each of them paid to the petitioner.

The learned Additional Public Prosecutor appearing on behalf of the respondent – State, submits that the petitioner had cheated more than 13 persons and misappropriate an amount of Rs.51.00 lakhs. His *modus operandi* is to collect the money under the guise of providing them gold items, but never give any gold ornaments nor return their amounts.

The fact remains that the aforesaid F.I.R. was registered on the complaint made by 13 similarly situated complainants and the name of the first complainant is Medipally Jyothi who is the informant in the present FIR. In the complaint it is specifically stated the petitioner cheated all the complainants by misappropriating the amount as mentioned above.

Keeping in view the serious allegation levelled against the petitioner that he cheated more than 13 persons including the *de facto* complainant by collecting huge amount of Rs.51.00 lakhs from them, I am not inclined to grant bail to the petitioner.

Hence, I do not find any merit in the Criminal Petition, and the same is, accordingly dismissed.

As a sequel, Miscellaneous Petitions, if any pending,
shall stand disposed of as infructuous.

SURESH KUMAR KAIT, J

06.12.2016

bcj

