

HON' BLE SRI JUSTICE SURESH KUMAR KAIT

CrI.P. No. 16169 of 2016

ORDER:-

This Criminal Petition is filed under Section 438 Cr.P.C. seeking to grant anticipatory bail to the petitioners-A1 to A5 in the event of their arrest in connection with Crime No. 212 of 2016 of Tanuku Town Police Station, West Godavari District, registered for the offences punishable under Sections 420 and 406 IPC.

The learned Additional Public Prosecutor appearing on behalf of the respondent-State has submitted that petitioner Nos.1, and 3 to 5 earlier filed CrI.P.No.14625 of 2016 seeking to quash the present crime, however this Court, vide order dated 18.10.2016, dismissed the same. Thereafter, the 2nd petitioner -A2 filed CrI.P.No. 14795 of 2016 seeking the very same relief, however, this Court, vide order dated 20.10.2016, disposed of the petition. Hence, the petitioners have filed the present Criminal Petition seeking grant of anticipatory bail, and this Court, by order dated 22.11.2016, gave interim direction that the petitioners shall not be arrested till 24.11.2016.

The case against the petitioners is that the petitioners took two kgs. of gold and 4 kgs. of silver from the *de facto* complainant agreeing to pay interest on the value of such gold

and silver, and accordingly, paid interest till July, 2014. Later, they committed default in payment of interest. When the *de facto* complainant insisted them on returning gold and silver, they handed over inferior quality of gold and silver. On questioning them about it, they took back the gold and silver acknowledging a receipt for Rs.65.00 lakhs, but the petitioners neither paid the amount nor returned the original gold and silver. Hence, the present crime was registered against the petitioners.

Keeping in view the serious accusations made against the petitioners, this Court is of the opinion that custodial interrogation of the petitioners is required, as such, the petitioners are not entitled to be granted anticipatory bail at this stage.

Hence, the Criminal Petition is devoid of merit and the same is accordingly dismissed.

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

SURESH KUMAR KAIT, J

24.11.2016

bcj