THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CRLP.NO.16123 OF 2016

O R D E R

This petition is filed under Section 438 of Cr.P.C. seeking to enlarge the petitioners/A-1 and A-2, on bail in the event of their arrest in Crime No.281 of 2016 of Nagarampalem Police Station, Guntur Urban District, Andhra Pradesh, registered for the offences punishable under Sections 420, 120-B, 506, 307 and 341 of IPC.

The allegations in the complaint lodged by the informant are that petitioners/A-1 and A-2 came in contact with the informant and are in need of money for their business purposes. On their request, the informant gave an amount of Rs.14,00,00,000/- as hand loan at Guntur to both the accused on interest. They paid interest for three months and executed loan agreement on 16.4.2016 and also gave two cheques worth Rs.7,00,00,000/- each. It is alleged that to evade repayment, they filed civil suit against him in City Civil Court Hyderabad with fake documents. When the informant asked the accused for repayment, A-1 used to threaten him with dire consequences. In spite of the same, he has been pursuing them to pay the amount. While so, when the complainant was travelling in his car along with two persons; near Medical College, Guntur on the night of 6.9.2016 in between 11-00 p.m. to 11-30 p.m., four unknown persons came on two un-numbered bikes, wrongfully restrained the informant's car and attempted to kill him with knife. He escaped from the blow. Meanwhile when his two friends got down from the car, the accused fled away, leaving a threat that if he demanded money from accused 1 and 2, next time he can't escape from their hands.

The learned Senior Counsel Sri C.V.Mohan Reddy appearing for the petitioners/accused 1 and 2, based on the averments made in the affidavit filed in support of the petition, submits that the informant is the son of a former minister in the erstwhile State of Andhra Pradesh and is having political influence. He made the petitioners to believe that his NRI friends would arrange loan of Rs.14,00,00,000/- at simple interest. For that purpose, he had taken amounts on different dates, totaling to Rs.25,50,000/- and two blank cheques bearing Nos.000143 and 000144, of HDFC Bank Limited, S.R. Nagar (Somajiguda), Hyderabad from the 1st petitioner, towards security and also obtained signatures of 1st petitioner on Rs.100/- non-judicial stamp papers and on six blank ledger papers for transferring the loan amount to the 1st petitioner's account. But the informant neither arranged for loan, nor returned the amount, blank cheques and signed papers. For return of the said amount and the blank signed papers, the petitioners got issued legal notices and as there was no response, filed suit on 11.7.2016 in O.S.No.390/2016 on the file of Chief Judge, City Civil Court, Hyderabad. He submits that after filing of the suit in the month of July, 2016, the present complaint is filed in the month of September, 2016, with false allegations.

The learned Senior Counsel further submits that as per the complaint, the incident is alleged to have occurred on 6.9.2015 between 11.00 p.m. to 11.30 p.m., however, the complaint was lodged on 11.9.2016 i.e., after a period of five days of the alleged incident. The delay of five days would throw any amount of doubt about the happening of the incident as alleged by the informant. He submits that the 1st petitioner is the Proprietor of Sri Balaji Art Printers and is involved in printing and related works and the 2nd petitioner is the Chairman of C.M.R. group, the turnover of which would be around Rs.1200 crores and they are falsely implicated in the present crime. He submits that though the 1st petitioner was arrested in some other crime, as the procedure contemplated under Section 195(1)(a)(iii) of Cr.P.C. was not followed, he was released on bail and no crime was registered against him. He submits that the petitioners are respectable businessmen with permanent abode and would co-operate with the investigation. However, if they are arrested, they would lose reputation in the society. With these averments, he sought to grant anticipatory bail to the petitioners.

On the other hand, the learned Public Prosecutor appearing for the State while denying the above submissions of the learned Senior Counsel for the petitioners, would submit that the matter is under investigation. After registering the present crime, as a counter blast, the 1st petitioner filed complaint against the informant at Police Station Sanjeevareddy Nagar, Hyderabad in Crime No.666/2016 for the offences punishable under Sections 467, 420, 468, 506 of IPC, enclosing certain documents, alleged to have been executed by the informant. Those documents, during the course of investigation, were found to be forged and fake. He submits that in the present case, the documents were sent to forensic science laboratory and the report is pending. Having regard to the nature of allegations, the presence of the petitioners is necessary for the purpose of investigation and hence sought for dismissal of the petition.

From the above submissions and the material on record it appears that there are money transactions between the petitioners and the informant. The petitioners filed suit in O.S.No.390/2016 on 11.7.2016 for recovery of an amount of Rs.25,50,000/- and for return of blank signed papers and cheques and the same is pending. The allegations in the present complaint are that the informant advanced an amount of Rs.14,00,00,000/- in cash to the petitioners as hand loan and that they gave two cheques of Rs.7,00,00,000/- each as security. When the informant has been demanding for repayment of the said amount, A-1 used to threaten him with dire consequences. On 6.9.2016, the alleged incident has happened. Further, as per the submissions of the learned Public Prosecutor, after filing of the present complaint by the informant, the 1st petitioner filed a complaint before the Police Station, Sanjeevareddy Nagar, Hyderabad in Crime No.666/2016 against the informant with certain documents and during investigation, the documents are found to be fabricated and fake.

In view of the above facts and circumstances and the submissions of the learned counsel and having regard to the nature of allegations, to unearth the true facts, custodial interrogation is required and I am not inclined to grant anticipatory bail to the petitioners.

Before parting with this order, since cash transaction of Rs.14,00,00,000/- had taken place between the petitioners and the complainant, therefore, let a copy of this order be sent to Income Tax Department to look into whether the transaction between them is legal. If not, the said Department is at liberty to take action as per the laws.

The petition is accordingly dismissed.

SURESH KUMAR KAIT,J

DATE:25—11—2016

AVS

Note:

Copy of this order
shall be marked to
Income Tax Department.

B/O

AVS