

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.9820 of 2016

ORDER:

The petitioner, who is an accused in crime No.92 of 2016 of Ramgopalpet Police Station, Secunderabad, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with above crime registered for 'Man Missing'.

On 20.04.2016, the informant lodged report before Ramgopalpet Police Station stating that his employee by name Mohan Beri, aged about 44 years, working since last 8-10 years, left his house on 19.04.2016 at 7.30 p.m. along with cash of Rs.25,00,000/- to be handed over to one Purushotham at Hitech City. It is alleged that the petitioner neither handed over the cash nor contacted the informant subsequently thereto. Since his whereabouts are not known, a report has been lodged.

Learned counsel for the petitioner mainly submits that the allegations in the report are false and that the petitioner neither committed any theft nor cheated the informant. According to him, the petitioner lodged a report on 26.05.2016 before the Police informing the allegations made in the report lodged by the informant are false and in fact he never visited the house of his employer and he never took any money on 19.04.2016. The same is strongly opposed by the learned Public Prosecutor submitting that the allegations made in the report alleged to have been lodged by the petitioner on 26.05.2016 are invented with a view to create defence.

A perusal of the material placed before this Court shows that on 19.04.2016 the informant lodged a report, which came to be registered initially for 'Man Missing'. The averments in the report clearly indicate that on 19.04.2016 the petitioner left the house of the informant, under whom he was working, along with cash of Rs.25,00,000/- to be handed over to one Purushotham but failed to do so. The informant himself lodged the report, which was registered as man missing. A month later, the petitioner claims to have lodged the report dated 26.05.2016, which is placed before this Court. The same does not contain any endorsement by concerned Police Station. It is an intimation given to Police informing that he neither collected money nor visited the house of the informant on 19.04.2016. Even assuming for a moment that said letter was given to the SHO, Ramgopalpet P.S., but the

allegations made in the report given long prior to the report of the petitioner, *prima facie*, discloses commission of offence of cheating. As offence is said to be grave and serious in nature, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

28.07.2016
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