THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION NO.1347 of 2016

ORDER :

The petitioner, who is A1, filed the present application under Section 438 Cr.P.C. seeking release on bail in the event of his arrest in Crime No.8 of 2016 of Visakhapatnam IV Town Police Station, Visakhapatnam District registered for the offences punishable under Sections 384, 420, 406, 509 read with Section 34 of IPC.

The case of the prosecution is that on 06.01.2016 at about 06.00 p.m., one R.V.Ramani came to the police station and presented a report stating that while she was working as teacher in Government aided school, took loan of Rs.2 lakhs from the petitioner in the month of May, 2013 for the marriage of her daughter. Since June, 2013, interest of Rs.40,000/- was being paid and substantial amount was repaid by the end of May, 2015. At the time of taking loan, the petitioner is alleged to have taken signatures of the informant, her husband and daughter on ten promissory notes, white papers and also on blank cheques. When the account of the petitioner was changed, the accused took her ATM Card by threatening her with dire consequences. It is alleged that the accused used to come to the house of the petitioner, forcibly take her to their office, confine her and abuse her stating that they would rape the daughter of the informant. The accused are alleged to have abused the informant in un-parliamentary language and on one occasion, they attempted to kill her by pressing her neck. The averments in the report also disclose that in the year 2014, the informant took loan of Rs.50,000/- from A2 in the office located behind the Eenadu Office, Opp.MRO Office, near AMG Hospital and used to pay Rs.18,000/- and when there was delay in making payment, a penalty of Rs.2 lakhs was imposed to her. Further, A2 is alleged to have threatened the informant and her daughter with dire consequences, if they fail to repay the amount. It is alleged that A1 and A2 failed to return the blank papers to the informant, inspite of repaying the amount due to them. Inspite of repayment of amount due by the informant, A3 did not return the promissory notes and cheques, threatened the informant by abusing her, thrashed her demanding more money from her, took two cheques and wrote a letter to Bank authorities to stop the said cheques and also withdrew Rs.50,000/-. Basing on these allegations the present case came to be registered.

Though learned counsel for the petitioner submits that it is purely a civil transaction and that the informant has wrongly implicated the petitioner, but the same cannot be accepted having regard to the nature of allegations made against him in the FIR. It is the case where the petitioner is alleged to have gone to the house of the informant, abused the informant in an un-parliamentary language and also threatened to abduct her daughter and rape her. Truth or otherwise of these allegations cannot be decided at this stage. Apart from that, the material discloses that the petitioner obtained signatures on the blank papers and also on blank cheques and started blackmailing the informant, inspite of clearing the loan amount.

Having regard to the circumstances stated above, I am not inclined to grant bail to the petitioner.

Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

18.02.2016
vhb