

HON' BLE SRI JUSTICE SURESH KUMAR KAIT

CrI.P. No. 14860 of 2016

DATE: 19.10.2016

Between:

Thatipalli Anjaiah

.. Petitioner /
Accused

And

The State of Telangana

.. Respondent



ORDER:-

This Criminal Petition is filed under Section 438 Cr.P.C. seeking anticipatory bail to the petitioner in connection with Crime No.498 of 2016 of Medipally Police Station, Cyberabad, Ranga Reddy District registered for the offences punishable under Sections 427, 447 and 379 IPC.

The case of the prosecution in brief is that the *de facto* complainant took one shutter on lease from the accused for a period of five years and gave him an amount of Rs.35,000/- towards advance and promised to pay remaining amount within three months. While so, it is stated that on 06.08.2016, at about 02:00 hours, the petitioner entered the shutter of the complainant and damaged the furniture.

Whereas, the case of the petitioner –accused is that the *de facto* complainant entered into an unregistered lease agreement on 04.03.2016 with the accused subject to the condition that the *de facto* complainant shall make payment of refundable deposit of an amount of Rs.70,000/- initially to the petitioner and rent of Rs.13,000/- per month which shall be paid on or before 10th day of every calendar month. Thereafter, the *de facto* complainant issued cheque bearing No.564564 dated 05.04.2016 & another cheque No. 564565, dated 05.06.2016 for an amount of Rs.35,000/- (Rupees Thirty Five Thousand Only) each drawn on Indusind Bank, Somajiguda

Branch, Raj Bhavan Road, Hyderabad towards advance refundable payment. As the cheque dated 05.04.2016, which was presented by the petitioner for encashment, was bounced, another cheque dated 05.06.2016 has not been presented in the Bank, as such, the lease agreement between the petitioner and the *de facto* complainant has become infructuous and does not carry any legal weightage and no rent has been paid by the *de facto* complainant from the day of execution of the lease agreement.

The allegations levelled against the petitioner are serious in nature. The matter is at the stage of investigation and charge sheet is yet to be filed. Therefore, I am not inclined to grant any relief to the petitioner.

Accordingly, the Criminal Petition is dismissed.

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

SURESH KUMAR KAIT, J

19.10.2016

bcj