

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.49 OF 2016

ORDER:

This criminal petition under section 438 of the Code of Criminal Procedure is filed by the petitioner-A.2 seeking anticipatory bail in connection with F.I.R. No.88 of 2015 on the file of Karimnagar III Town Police Station, Karimnagar District registered for the offences under Sections 420, 406 r/w 34 IPC.

Heard the learned counsel for the petitioner and learned Additional Public Prosecutor. Perused the material on record.

The case of the prosecution is that the petitioner herein is the Managing Director of construction company-M/s.Pravista Infra Pvt. Ltd. Basing on the advertisement given by the petitioner, the de facto complainant paid an amount of Rs.18,82,500/- towards sale consideration for purchase of a flat by entering into agreement of sale, wherein it was promised by the petitioner that the possession of the flat will be handed over to the complainant within 18 months. However, till date, the petitioner has completed only 40% of the construction and the flat is not handed over to the complainant.

It is the case of the petitioner that he is a nominal Director of the company and he is not the Managing Director. Further it is contended that the case is arising out of sale of flat and therefore, if there is any dispute, it can be settled by way of a civil suit or by filing a complaint before the appropriate forum.

Without going into the merits of the contentions, considering the fact that it is a dispute arising out of purchase of flat, this Court is inclined to grant anticipatory bail to the petitioner.

Hence, the petitioner-A.2 is directed to surrender before the Magistrate concerned on or before 02.02.2016 and on such surrender, he shall be enlarged on bail on his executing a personal

bond for a sum of Rs.20,000/- (Rupees ten thousand only) with one surety for the likesum to the satisfaction of the Magistrate concerned. Further the petitioner is directed to report before the Station House Officer concerned as and when required.

The Criminal Petition is allowed accordingly.

JUSTICE RAJA ELANGO

18.01.2016

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