

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.3818 OF 2017

ORDER:

The petitioner/accused No.1 in Crime No.156 of 2017 of Banjara Hills P.S., Hyderabad filed the present Criminal Petition under Section 438 of the Criminal Procedure Code, 1973 (for short, 'the Code') requesting to grant anticipatory bail.

2. The petitioner alleged to have committed the offences punishable under Sections 342, 353 IPC and Sections 4 and 20 (2) of Cigarettes and Other Tobacco Products Act.

3. Heard Sri Khaja Nizamuddin, the learned counsel for the petitioner, and the learned Additional Public Prosecutor for the State of Telangana.

4. The learned counsel for the petitioner pleads innocence and false implication of the petitioner. According to the learned counsel, the petitioner is running Urban Grill and Coffee Centre and he placed photostat copy of the certificate issued by the Registration and Stamps Department. He has also placed the Certificate of Registration issued by the Labour Department in Form No.II for running Urban Grill Dine and Coffee Centre. It is, therefore, his submission that except serving coffee thereat no other articles or items were served, and the petitioner is falsely implicated by the Sub-Inspector of Police with oblique motive.

5. Learned Additional Public Prosecutor strongly resists the request contending that the petitioner has been serving Hookah to minors and when credible information was received the complainant who is the Sub-Inspector of Police, Banjara Hills P.S., Hyderabad, at about 10.00 on 13.2.2017 surprised the restaurant and found that the minors under age of 18 years were being served with Hookah (Tobacco products) and along with police constables and panchayatdars, and when tried to enter into premises through the staircase, but the owner of the centre did not allow them to enter into premises and obstructed them in performing their legitimate duties and restrained them by locking the door and stopping them at the lift, and later, the petitioner pushed the door and pushed them and fled away from the Hookah centre. Certain other things were also narrated in the complaint, which have got bearing on the request made herein, but it is unnecessary to probe into so deep for the reason that the complicity of the petitioner cannot be ruled out at this stage and the very fact that he went to the extent of indulging and obstructing the *de facto* complainant in discharging his legitimate duties is sufficient enough to reject the request, which is an exceptional relief being sought for by the petitioner. Besides, in case he is granted anticipatory bail, it cannot be ruled out that there is every likelihood of his repeating the commission of the offences by running the centre allowing minors to smoke Hookah.

6. Therefore, it is not a fit case to grant anticipatory bail and accordingly the Criminal Petition is dismissed.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition shall stand closed.

A. SHANKAR NARAYANA, J

Dt. 10.07.2017
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