

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

CRIMINAL PETITION No. 239 OF 2017

ORDER

This petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail.

2. The *de facto* complainant alleged in the said complaint that one Bipin Jain (A-1) is the owner of 'Sree Karma Jewellers' and the *de facto* complainant has been doing business with A-1 for the past three years. The *de facto* complainant gave gold ornaments of 623.45 grams, which costs Rs.18,29,233/- and again on 22.10.2016, the *de facto* complainant gave another quantity of gold ornaments of 2,127 grams to A-1, but A-1 did not give him invoice to the *de facto* complainant. On 23.10.2016, when the *de facto* complainant went to the shop of A-1, it was closed and he did not come into contact and his mobile phone was switched off and he has been absconding from that date. The *de facto* complainant has to receive due amount of Rs.83,65,883/- from A-1.

3. Basing on the confessional statement of A-1 recorded by the police at the time of investigation, the police seized gold ornaments from the custody of several accused including the petitioner, who is arrayed as A-3 in Crime Nos.224 of 2016, 225 of 2016 and 236 of 2016, on the file of the Central Crime Station, Hyderabad, and that the petitioner was granted bail in the above mentioned crimes. The allegation in all these crimes including Crime No.878 of 2016 is that A-1, having purchased several quantities of gold from the *de facto* complainant, has promised to pay money, but evading to pay money.

4. The main grievance of the petitioner is that the petitioner apprehends arrest in the hands of Police in Crime No.878 of 2016 of Panjagutta Police Station.

5. Heard arguments of the learned counsel for the petitioner, Sri B.Vijaysen Reddy and the learned Public Prosecutor for the State.

6. The point for consideration in this matter is whether the petitioner is entitled for grant of anticipatory bail or not?

7. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the above said crime and that he has no connection with the *de facto* complainant-Ramesh Mehra. It is further contended that the transaction is civil in nature as it is the case of recovery of money and breach of contract and that the ingredients of alleged offences are not present in the above said crime and that there is no *prima facie* case against the petitioner and that the petitioner is apprehending arrest in the hands of the police even though there is no material against him and that the petitioner, who was arrayed as A-3 in Crime Nos.224 of 2016, 225 of 2016 and 236 of 2016, has already been arrested in the above said Crimes and released on bail. Learned counsel for the petitioner further submits that the petitioner's name does not find place in Crime No.878 of 2016 of Punjagutta Police Station and that there is likelihood of the petitioner being implicated in the above said crime and that the above said case is civil in nature and that the police are trying to falsely implicate the petitioner in the above said case basing on the confessional statement of A-1 and at the instance of the *de facto* complainant and that the petitioner is

entitled for grant of anticipatory bail in the event of his arrest in Crime No.878 of 2016 of Panjagutta Police Station.

8. Learned Public Prosecutor also submits that the petitioner's name is not shown in Crime No.878 of 2016 and that the petitioner was arrayed as A-3 in three cases earlier i.e., Crime Nos.224 of 2016, 225 of 2016 and 236 of 2016.

9. Considering the facts and circumstances of the case, since the name of the petitioner does not find place in Crime No.878 of 2016 and the allegations in the complaint also appear to be in civil nature, the petitioner is not entitled for grant of anticipatory bail. Since no crime is registered against the petitioner, the apprehension of the petitioner about his arrest has no basis. As such, there are no grounds for grant of anticipatory bail. However, the petitioner is at liberty to move the appropriate Court as and when a complaint is registered against him. With these observations the Criminal Petition is disposed of. Miscellaneous Petitions, if any, pending in this criminal petition shall stand closed.

JUSTICE G.SHYAM PRASAD

Date: 11th January, 2017

KL/RNS

HONOURABLE SRI JUSTICE G.SHYAM PRASAD



CRIMINAL PETITION No.239 OF 2017

Dated: 11th January, 2017

KL/RNS

