

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4310 of 2017

ORDER:

This criminal petition is filed, by the petitioners-accused Nos.1 and 2, under Section 438 Cr.P.C., seeking bail in the event of their arrest in Crime No.322 of 2017 on the file of the Station House Officer, Panjagutta Police Station, Hyderabad, registered for the offences punishable under Sections 406 and 420 IPC.

2. The learned counsel for the petitioners submitted that even if the allegations made in the complaint *ex facie* taken to be true and correct, no *prima facie* case is made out against the petitioners for the offences punishable under Sections 406 and 420 IPC. He further submitted that the lis involved between the parties is purely civil in nature without any element of criminality, therefore, it is a fit case to grant pre-arrest bail to the petitioners. ***Per contra***, learned Additional Public Prosecutor representing the State submitted that the petitioners herein collected an amount of Rs.36,500/- from the complainant agreeing to pay an amount of Rs.5,000/- per month for 24 months. He further submitted that the petitioners paid Rs.5,000/- for one month and they stopped paying money and thereby cheated the complainant and also 20 other persons in the same manner. He further submitted that the petitioners herein intentionally cheated the complainant and 20 other

persons, therefore, it is not a fit case to grant anticipatory bail to the petitioners.

3. The facts leading to filing of the present petition are briefly as follows: One Mahboob Ali lodged a complaint to the Station House Officer, Panjagutta Police Station, who in turn registered a case in Crime No.322 of 2017 against the petitioners. As per the allegations made in the complaint, the petitioners collected an amount of Rs.36,500/- each from the complainant and 20 other persons agreeing to pay an amount of Rs.5000/-p.m. for 24 months and supplied LED TVs for broadcasting commercial news. It is the further case of the prosecution that the petitioners paid an amount of Rs.5,000/- to the victims for the first month and failed to pay the amount from the second month and thereby cheated them.

4. A perusal of the record reveals that the petitioners herein collected an amount of Rs.36,500/- each from the complainant and 20 other persons. A perusal of the record also reveals that the victims have received LED TVs for the purpose of broadcasting the commercial news of the petitioners. For the reasons best known, the petitioners stopped payment of monthly instalments to the complainant and others from the second month onwards. A perusal of the record further reveals that the petitioners herein collected nearly Rs.7,30,000/- in total from the victims. A perusal of the record *prima facie* reveals the role played by the petitioners in the commission of offence. A

perusal of the record also reveals that the investigation is in progress.

5. Taking into consideration the nature of the offence alleged to have been committed by the petitioners and also the stage of investigation, this Court is of the considered view that it is not a fit case to grant pre-arrest bail to the petitioners.

6. In the result, the Criminal Petition is dismissed.

8th August, 2017
Rns

T.SUNIL CHOWDARY, J

