

HON'BLE SRI JUSTICE G. SHYAM PRASAD

CRIMINAL PETITION No. 241 OF 2017

ORDER:

1. This Criminal Petition, under Section 438 of Cr.P.C., is filed by the petitioner for grant of anticipatory bail, in Crime No.224 of 2016, of Central Crime Station Nampally, Hyderabad for the offences punishable under Sections 420, 406, 506, 411 and 120-B of I.P.C.

2. The petitioner-Dinesh Kumar Agarwal is the accused in Crime No.224 of 2016 of Central Crime Station, Nampally, Hyderabad. The police registered the crime against him, for the offences under Sections 420, 406, 506, 411 and 120-B of I.P.C., on the complaint of the *de-facto* complainant, Smt. Chandana Shailendren, dated 29.10.2016.

3. The *de-facto* complainant-Smt. Chandana Shailendren alleged in the complaint that the *de-facto* complainant was the sole proprietor of 'Swarna Craft' trading in jewellery, set up in the year 2006. The *de-facto* complainant had business association with one Bipin Jain (A-1) for the past 11 years. The *de-facto* complainant supplied 18.69 KGs. of gold ornaments to A-1 during the period from 18.10.2016 to 22.10.2016 in good faith. A-1 promised to make payment for the said gold jewellery on 24.10.2016, and that when the *de-facto* complainant called A-1 over phone and reminded him about the said due amount, A-1 threatened the *de-facto* complainant with dire consequences and since 25.10.2016, A-1's mobile was switched off; on 27.10.2016, when the *de-facto* complainant and her husband visited the office of A-1, the office

was locked. On that she lodged a complaint against A-1 to Police for further action.

4. 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.

5. The main grievance of the petitioner is that the petitioner is innocent and he is apprehending arrest in the hands of police in Crime No.224 of 2016 of Central Crime Station, Nampally, Hyderabad.

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

7. The point for consideration in this matter is whether the petitioner is entitled for grant of anticipatory bail?

8. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the above said crime. He has no connection with the de-facto complainant-Smt. Chandana Shailendren.

9. Learned counsel further submitted that the petitioner is the brother of one Rupesh Kumar Agarwal, who was arrayed as A-3 in Crime Nos.225 of 2016 and 236 of 2016, on the file of the Central Crime Station, Nampally Hyderabad. In the said crimes, A-3 was granted bail.

10. It is further submitted that the allegations in all these crimes including Crime No.224 of 2016 is that A-1, having purchased several quantities of gold ornaments from the de-facto complainant, has promised to pay money, but evading to pay money.

11. It is further submitted that the transaction is civil in nature, as the allegations are in respect of recovery of money and breach of contract. The ingredients of alleged offences are not present in the above said crime.

12. It is further submitted 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.

13. It is further submitted that this case is of 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 also at the instance of the de-facto complainant.

14. Learned Public Prosecutor submits that the petitioner's name does not find place in Crime No.224 of 2016. Therefore, the petitioner is not entitled for grant of anticipatory bail as there is no apprehension for his arrest.

15. In fact, it is an admitted fact that the name of the petitioner does not find place in Crime No.224 of 2016. The petitioner is apprehending his arrest in view of the fact that other crimes were registered against him. The apprehension of the petitioner cannot

be taken into consideration for grant of anticipatory bail as the police have not registered any crime against him. On the other hand, the nature of the allegations in the complaint of Smt. Chandana Shailendren appears that they are of purely civil nature. Therefore, on consideration of the facts and circumstances of the petition, the petitioner is not entitled for grant of anticipatory bail. However, in the event of police registering any crime against the petitioner in future he may approach the appropriate Court for redressal of his grievance.

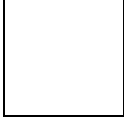
16. In view of the foregoing observations, the Criminal Petition is disposed of. Miscellaneous Petitions pending, if any, shall stand closed.

Date: 11.01.2017.
KL/RNS



G. SHYAM PRASAD, J

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