

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.3509 of 2017

ORDER:

This Criminal Petition is filed under Section 438 Cr.P.C. by the petitioners/A1 and A4 seeking pre-arrest bail.

2) The police of Khanapur PS registered Cr.No.48/2015 against the accused for the offences under Sections 420, 406 and 506 r/w 34 IPC. The substance of the allegation is that A1 to A4 are the owner and partners of DSP Rice Mill and they approached the villagers of Khanapur and procured paddy worth Rs.11,30,000/- on the promise that they would pay more amount than the market rate and ultimately they cheated them by not paying the amount.

3) Denying the allegations, learned counsel for petitioners/A1 and A4 would submit that the accused have already paid the paddy amount orally and they have not cheated the villagers by inducing them to pay high amount and a false case is foisted against them. He thus prayed to grant bail. It is submitted that A1 is a lady.

4) Per contra, learned Addl.P.P. while opposing the petition would submit that the petitioners and other accused procured rice from almost all the villagers of Khanapur on the inducement that they would pay higher amount than the market rate and they have cheated by not paying the amount and in view of the fact that large amount has to be paid to a number of persons and their statements are to be

recorded, bail may not be granted. He would submit investigation is pending and charge sheet is not filed and some more witnesses have to be examined.

5) Perusal of the FIR and 161 Cr.P.C. statements of the witnesses throw *prima facie* material for accusation against the accused that they have procured paddy from the villagers on the inducement that they would pay higher amount than the market rate. The alleged oral payment to the large number of ryots is doubtful and no material is available at present in that regard and it has to be decided only after completion of investigation. The investigation is still pending and charge sheet is not filed. As the matter stands, in view of the gravity of the charge and pending investigation, bail is refused.

6) Accordingly, bail application is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U.DURGA PRASAD RAO,J

Date: 07-06-2017
Murthy