

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.3801 OF 2017

ORDER:

The present criminal petition is filed under Section 438 of the Criminal Procedure Code, 1973 (for short, 'the Code') by the petitioner/accused No.2 in Crime No.26 of 2017 of Kalidindi Police Station, Krishna District, for grant of anticipatory bail.

2. The petitioner/accused No.2 alleged to have committed the offences punishable under Sections 420 and 506 of I.P.C. read with Section 34 of I.P.C.

3. Heard Sri T. Ravi Kumar, the learned counsel for the petitioner, and the learned Assistant Public Prosecutor for the State of Andhra Pradesh.

4. The learned counsel for the petitioner would plead innocence and false implication of the petitioner and would contend that the ingredients of the offences do not attract against the petitioner and the *de facto* complainant doing real estate business, demanded the petitioner/accused No.4 to sell his family land, and since the petitioner refused to sell, disputes have arisen between them and, therefore, the petitioner is falsely implicated.

5. The learned counsel for the petitioner also would submit that the petition filed by the petitioner herein in Criminal M.P. No.209 of

2017 on the file of XI-Additional Sessions Judge, Krishna at Gudivada was dismissed by his order dated 18.5.2017.

6. The learned Assistant Public Prosecutor strongly resisted the request contending that the *de facto* complainant and his wife were cheated to the tune of more than two crores, and it is a case where exceptional relief of grant of anticipatory bail is excepted.

7. Substantially, the allegations levelled in the complaint are that the *de facto* complainant and his wife are quite old aged, and their close relation, who is the 2nd accused, taking advantage of their age and assets, impressed upon the *de facto* complainant that if the *de facto* complainant and his wife invests amounts and sale proceeds on their lands, they would purchase some other lands in their names, and having trusted them and also since their daughters were residing at far off places they gave the amounts to the petitioner and accused No.1 to the extent of Rs.1,50,00,000/- and even they took loan by pledging gold ornaments and gave the amounts to them as they were impressed that on division of State and the lands purchased by them would get good rate later and thus though earlier agreements taken in their names were kept with them, but again telling them that they would get the sale deeds registered, taken agreements, and thereafter, postponed to hand over the sale deeds and then threatened them with dire consequences in case they demand for return of documents.

8. Perused the Case Dairy file.

9. It is a case of clear cheating as could be seen from the material, *prima facie*, making out a case of commission of cognizable offence by the accused No.2 and accused No.1 and that has been the reason an elaborate order was passed by the learned XI-Additional Sessions Judge, Krishna at Gudivada, rejecting the request of the petitioner. Certainly, it is not a case where anticipatory bail can be granted and it appears only to evade the process of law, the present petition is filed.

10. Hence, the Criminal Petition is dismissed.

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

Dt. 05.07.2017
gbs

A. SHANKAR NARAYANA, J

