

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.3167 OF 2017

ORDER:

This Criminal Petition is filed by the petitioner-A.1 under Section 438 of Cr.P.C. to grant him anticipatory bail in Crime No.190 of 2015 of I Town Police Station, Visakhapatnam, registered for the offences punishable under Sections 420, 448, 506 r/w 34 I.P.C.

2. Heard Sri V.V.N. Narasimham, learned counsel for the petitioner-A.1, and the learned Additional Public Prosecutor appearing for the respondent-State, apart from perusing the material available on record.

3. The learned counsel for the petitioner-A.1 would submit that the allegations made against the petitioner-A.1 are false and baseless; this case is a counterblast for the case already filed against the *de facto* complainant by the employees of the petitioner-A.1; the petitioner-A.1 is a permanent resident of Chennai; a frivolous complaint was made against the petitioner-A.1; the dispute is only civil in nature; there is no intention on the part of the petitioner-A.1 to cheat the *de facto* complainant; all the transactions were done through bank and no cash transaction was involved; and ultimately, prayed to allow this petition.

4. On the other hand, learned Additional Public Prosecutor appearing for the respondent-State opposed the grant of bail to the petitioner-A.1 under Section 438 Cr.P.C.

5. The material available on record reveals that the *de facto* complainant entered into the agreement with the petitioner-A.1. The petitioner-A.1 introduced himself the *de facto* complainant as the Managing Director of a Company, by name, M/s. George Maijo Export

Company running an ice factory for 25 years on lease. Initially, the agreement was entered between the parties for one year lease with a promise to renew the lease from year to year. The *de facto* complainant paid Rs.15,00,000/- towards security deposit and agreed to pay Rs.1,80,000/- as monthly rent and he paid the rent upto date till June, 2014. In total, an amount of Rs.1,11,45,000/- was paid. The *de facto* complainant incurred an amount of Rs.1,85,87,000/- for renovation and installation of the new equipment in the ice factory. When the ice factory was ready for production, electricity supply was not provided. Then the *de facto* complainant came to know that the said factory was put in blacklist by PVT. On 30.06.2015, one Thomas and Mohandas forcefully entered and illegally transported machines and other valuable items purchased by the *de facto* complainant by threatening them with dire consequences. The *de facto* complainant was cheated by the petitioner-A.1 to the tune of Rs.2,97,32,000/-. It is also brought to the notice of the Court that the petitioner-A.1 initially took the subject company on lease from the Vizag Port Trust under the original lease deed. There is no power to the petitioner-A.1 to sub-lease the subject property. It is contended that there is a civil suit in O.S. No.817 of 2015 between the parties pending before the II Additional Senior Civil Judge at Visakhapatnam. As per the material placed on record, there are grave allegations of cheating and dishonest inducement against the petitioner-A.1 to part with huge amounts to the benefit of the petitioner-A.1. The matter requires thorough investigation. Under these circumstances, it is not a fit case to grant anticipatory bail to the petitioner-A.1 under Section 438 Cr.P.C.

6. In the result, this Criminal Petition is dismissed. Consequently, the order dated 07.07.2017 passed in this Criminal Petition

stands vacated. As a sequel, miscellaneous petitions, if any, pending in this Criminal Petition shall also stand dismissed.

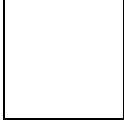
Dr. SHAMEEM AKTHER, J

Date: 13-11-2017.

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HON'BLE Dr. JUSTICE SHAMEEM AKTHER



Crl.P. No. 3167 OF 2017

Date. -11-2017

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