

HONOURABLE SRI JUSTICE U. DURGA PRASAD RAO

CRIMINAL PETITION No. 1610 OF 2017.

ORDER:

The petitioner-Accused No.4 seeks anticipatory bail in crime No. 467 of 2016 of Police station, Mahabubnagar (Rural).

The facts are that the complainant alleged that some persons telephoned to him and informed that they got gold while constructing a temple and offered gold at substantially low price. On such inducement, on 20.11.2016 he went to Hospet railway station of Karnataka State along with Rs.5,00,000/- and there two persons, namely, Ravi and Ramesh (A1 and A2) approached him and enquired whether he brought the amount and he affirmed and they took Rs.5,00,000/- from him and offered him some coins stating that they are gold coins and thereafter those two persons (A.1 and A.2) along with two other persons went away on a motor cycle. When he opened the cover, he found only copper coins coated with gold. Realizing that they cheated him, he lodged a complaint. The police registered a case in Crime No. 467 of 2016 for the offence punishable under Section 420 IPC.

Learned Counsel for the petitioner submits that the petitioner-Accused No.4 has absolutely nothing to do with the alleged offence and he is unnecessarily implicated in the present case and in case bail is not granted, himself and his family members have to face lot of inconvenience and also disrespect in

the society. Learned Counsel relied on the decision of the Apex Court in *Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors* (AIRE 2011 SC 312).

While opposing the bail, learned Additional Public Prosecutor would submit that during the course of investigation, the police have nabbed Accused Nos. 1 to 3 and recovered Rs.1,20,000/- from A.1, Rs.90,000/- from A.2 and Rs.1,20,000/- from A.3 besides some coins and cell phone and the interrogation revealed that A.1 and A.2 are brothers and A3 and A.4 are their relations. The petitioner-Accused No.4 is absconding with the balance amount which was collected from the complainant. Learned Additional Public Prosecutor would submit that investigation is still under its way and recovery of balance amount has to be effected from A.4 and since his particulars are not known, the police could not give notice under Section 41-A Cr.P.C.. In these circumstances, if bail is granted to A.4, he may not be available for interrogation. Thus he prayed for dismissal of the petition.

A perusal of the CD file gives strength to the submissions of learned Additional Public prosecutor. Therefore this Court finds no ground to grant anticipatory bail. The decision in *Siddharam Satlingappa Mhetre's case* (supra) is of no avail to petitioner.

The Criminal Petition is accordingly dismissed.

Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence.

JUSTICE U.DURGA PRASAD RAO

DATED 2ND MARCH, 2017.
Msnr_x

