

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5348 of 2017

ORDER:

This petition is filed, by the petitioner/accused No.1, under Section 438 Cr.P.C. seeking anticipatory bail in Crime No.87 of 2017 on the file of the Station House Officer, Nellore I Town Police Station, S.P.S.R. Nellore District, registered for the offences punishable under Sections 420 and 406 I.P.C.

2. The learned counsel for the petitioner strenuously submitted that it is a fit case to prosecute the *de-facto* complainant for lodging of a false case. He further submitted that the police hand in glove with the *de-facto* complainant foisted a false case against the petitioner without jurisdiction. He also submitted that even if the allegations made in the complaint are *ex facie* taken to be true and correct, no *prima facie* case is made out against the petitioner; hence, it is a fit case to grant pre-arrest bail to the petitioner.

3. *Per contra*, the learned Additional Public Prosecutor submitted that the petitioner herein collected more than two Crores of rupees from different persons and left the house by locking, for the reasons best known to him. He further submitted that the investigation is in progress; therefore it is not a fit case to grant pre-arrest bail to the petitioner.

4. One Venu Gopal Gudugunta is the *de-facto* complainant. As per the allegations made in the complaint, the petitioner along with others have taken an amount of Rs.70,00,000/- from the *de-facto* complainant and failed to repay the same. It is further alleged that the petitioner cheated the *de-facto* complainant and others.

5. A perusal of the record reveals that the petitioner and other accused are native of Kandukur Town, Prakasam District and migrated to Nellore for the purpose of business. The petitioner has taken a dall mill on lease at Ayyappagudi Centre in Nellore Town. A perusal of the record further reveals that the petitioner herein along with others collected an amount of Rs.25,00,000/- from LW.2, Rs.10,00,000/- from LW.4, Rs.10,00,000/- from LW.9, Rs.1,15,00,000/- from LW.10 and Rs.5,00,000/- from LW.11. After recording of the statements of the witnesses, the police added Section 120B read with 34 I.P.C. It is the case of the prosecution that the petitioner herein with a dishonest intention locked the rented house and left Nellore. A perusal of the record also reveals that the petitioner herein lodged a complaint against the *de-facto* complainant and others to the Station House Officer, Nellore V Town Police Station, who in turn registered a case in Crime No.138 of 2017 for the offences punishable under Sections 323 and 324 read with 34 I.P.C. A perusal of the record *prima facie* reveals the role played by the petitioner along with others in the commission of the offences. As rightly pointed out by the learned Additional Public Prosecutor, the investigation is in progress.

6. Taking into consideration the gravity of the offences alleged to have been committed by the petitioner as well as the stage of investigation, this Court is of the considered view that it is not a fit case to grant pre-arrest bail to the petitioner at this stage.

7. Accordingly, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 17.08.2017

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