

**THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

**CRIMINAL PETITION No.7313 of 2017**

**ORDER:**

This petition is filed under Section 438 Cr.P.C. by the petitioner/accused No.1 seeking pre-arrest bail in Crime No.172 of 2017 on the file of the Station House Officer, Bhavanipuram Police Station, Vijayawada, Krishna District, registered for the offences punishable under Sections 420, 406, 441, 506, 120-B read with 34 IPC.

2. Learned counsel for the petitioner submitted that the petitioner was falsely implicated in this case. He further submitted that the lis involved if any is purely civil in nature without any element of criminality. Learned Additional Public Prosecutor representing the State opposed the bail on the ground that the investigation is in progress.

3. It is the case of the prosecution that the petitioner along with A2 induced the *de facto* complainant to part with an amount of Rs.58.00 lakhs by making a false representation that the said money will be utilised for the purpose of carrying on business. It is the further case of the prosecution that the petitioner herein along with A2 did not choose to repay the amount, thereby cheated the *de facto* complainant. Petitioner filed CrI.M.P.No.749 of 2017 on the file of the Court of IV Additional Metropolitan Sessions Judge, Vijayawada, and the same was dismissed on 12.06.2017.

4. A perusal of the record reveals that the *de facto* complainant deposited an amount of nearly Rs.20,50,000/- in the bank account of the accused on different dates. Record further reveals that the investigation is in progress. A perusal of the record *prima facie* reveals the role played by the petitioner in the commission of offence.

5. Taking into consideration the nature of the offence alleged to have been committed by the petitioner and 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-accused No.1.

6. In the result, the Criminal Petition is dismissed.

**Date: 06.09.2017**

Rns

**T.SUNIL CHOWDARY, J**



