

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4671 of 2017

ORDER:

1 This criminal petition is filed, by the petitioner/accused No.1, under Section 438 Cr.P.C., seeking anticipatory bail in Crime No.24 of 2017 on the file of the Station House Officer, D.Hirehal Police Station, Anantapur district registered for the offences punishable under Sections 420 and 506 of IPC.

2 The learned counsel for the petitioners strenuously submitted that the petitioner purchased the paddy from one Mareenna and paid substantial amounts to him. He further submitted that the petitioner has nothing to do with the de-facto complainant, therefore, this is a fit case to grant anticipatory bail to the petitioner. He further submitted that the allegations made in the complaint are bereft of the basic ingredients of Sections 420 and 506 of IPC.

3 *Per contra*, the learned Assistant Public Prosecutor for the State of Andhra Pradesh submitted that the petitioner is in the habit of purchasing paddy from different ryots and avoiding payment of cash to them. He further submitted that the petitioner herein is accused in Cr.No.67 of 2017 and 69 of 2017 on the file of D.Hirehal Police Station, therefore, it is not a fit case to grant anticipatory bail to the petitioner.

4 The facts leading to the filing of the present petition, briefly, are as follows:

5 One N.P.Shankar Gowd lodged a complaint to the Station House Officer, D.Hirehal Police Station, who in turn registered case in Cr.No.24 of 2017 against the petitioner, who is accused No.1, and his wife for the offences punishable under Sections 420 and 506 of IPC. As per the allegations made in the complaint, the de-facto complainant sold paddy worth of Rs.5,12,663/- to the petitioner on 08.08.2016. In spite of repeated demands, the petitioner did not pay the amount. The petitioner and his wife executed promissory notes in favour of the de-facto complainant for an amount of Rs.2.00 lakhs each and agreed to pay the balance amount of RS.1,12,663/-. The fact remains that the petitioner, having purchased paddy from the de-facto complainant failed to repay the amount. A perusal of the record reveals that the petitioner is in the habit of purchasing paddy from ryots of Ananthapur district and fails to pay the amount.

6 A perusal of the record *prima facie* reveals the role played by the petitioner. The material placed before the Court *prima facie* reveals that the petitioner intentionally and willfully cheated the de-facto complainant and threatened him with dire consequences.

7 Taking into consideration the nature of offences alleged to have been committed by the petitioner, this Court is of the considered view that this is not a fit case to grant anticipatory bail to the petitioner and hence this petition is liable to be dismissed.

8 In the result, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 2nd August 2017
Kvsn