

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Crl.P.Nos.1657 and 1660 of 2017

COMMON ORDER:

Crl.P.No.1657 of 2017 is filed by A3 and Crl.P.No.1660 of 2017 is filed by A4, A8 to A12 (their array is wrongly mentioned in the petition) under Section 438 Cr.P.C., seeking Anticipatory Bail.

2) Cr.No.69 of 2017 was registered by police Jubilee Hills against the above and some other accused for the offences under Sections 406, 420, 468, 471 r/w 34 IPC on the report given by the complainant. The complaint allegations are one D.Mallikarjun Reddy and K.Ranga Reddy introduced A1 and A3 to the complainant in the course of civil construction business in October, 2015. A1 and A3 represented that their family members have good sites in Journalist Colony and Jubilee Hills, Hyderabad which can be used for development purpose. A1 represented that one Urmila w/o Narasimha Reddy is his sister and she has two plots; one at Jubilee Hills and other at Journalist Colony. On negotiations, A1 and A3 demanded Rs.50 lakhs as good will and the complainant believing their words paid amounts from time to time totalling Rs.20 lakhs in between October, 2015 and February, 2016 and all of them promised that they would arrange meeting with the sister of A1 who was residing abroad. However, the accused failed to deliver the sites and they gave him false documents. The complainant realized that he was cheated in the hands of accused. He came to know that amounts given by him were utilized for their personal purposes. On his demand, A1 and A3

gave him two cheques for Rs.10 lakhs each assuring that they would get land acquisition compensation amount and cheques can be encashed. However, the complainant came to know that signatures of the accused were in different manner on the cheques issued to him. When questioned all the accused promised that they would register the property in his name and to that effect A3 and his family members executed a MOU on stamp paper. All the accused failed to keep up their promise. Hence, the report. Investigation is stated to be pending.

3) Heard both sides.

4) Denying the complaint allegations, learned counsel for petitioners would submit that complainant and A3 had real estate transactions and the complainant and his friends used to avail the services of A3 for buying and developing plots, but A3 never cheated them. Since the parties are in real estate business since long time, it is difficult to believe that A1 and A3 misrepresented him as if some plots belonging to Urmila w/o Narasimha Reddy—sister of A1 were offered to them. Even if they made such false representation, the complainant with his experience in real estate business, can easily enquire into the truth and know who was the real owner of the plots. Therefore, the question of accused cheating the complaint does not arise. Learned counsel would further submit that complainant falsely implicated the family members of A3 to threaten A3. He thus prayed to allow the petitions.

5) Per contra, opposing the bail applications, learned Additional Public Prosecutor would argue that petitioners and other accused have

cheated many others and in fact crimes were registered against A1 and A3 some of which are under investigation and further, the family members of A3 executed MOU in favour of complainant and betrayed him and therefore, none of the petitioners deserve bail. He thus prayed to dismiss the bail applications.

6) A close scrutiny of FIR would show that the main grievance of the complainant is against A1 and A3 as they represented that Plot No.134 in Jubilee Hills and Plot No.74 in Journalist Colony belong to sister of A1 and they would hand over those sites for development to the complainant and demanded Rs.50 lakhs as good will and obtained Rs.20 lakhs from him from time to time.

7) In that view of the matter and as some other crimes i.e. Cr.Nos.113/2016, 435/2016 and C.C.No.386 of 2015 are pending against A1 and A3 and investigation in the present crime is in the nascent stage, bail is refused to A3—Velagapudi Ramakrishna. Sofaras petitioners/A4, A8 to A12 are concerned, the FIR allegations would show that amounts were paid to A1 and A3 in the presence of other accused and they also promised that sites would be handed over to complainant and some of the family members of A3 executed MOU in favour of complainant. Considering the fact that allegations against these petitioners are not as grave as against A1 and A3 and further, some of the petitioners are ladies, bail is granted to them.

8) In the result, Cr.P.No.1657 of 2017 is dismissed, whereas Crl.P.No.1660 of 2017 is allowed and petitioners/A4, A8 to A12 are

directed to surrender before the XVII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad on or before 10.03.2017 and on such surrender they shall be enlarged on bail on each of them executing personal bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for like sum to the satisfaction of the said Court.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

Dt: 06.03.2017
Murthy

U.DURGA PRASAD RAO, J

