

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Crl.P.Nos.1658 and 1659 of 2017

COMMON ORDER:

Crl.P.No.1658 of 2017 is filed by A4 and Crl.P.No.1659 of 2017 is filed by A5 to A10 under Section 438 Cr.P.C., seeking Anticipatory Bail.

2) Cr.No.49 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 Damodar introduced A1 and A4 to the complainant in the course of civil construction business in February, 2014. A1 and A4 represented that their family members have good sites in Jubilee Hills, Journalist Colony and Navanirman Colony, Hyderabad which can be used for development purpose. On negotiations, A1 and A4 demanded Rs.40 lakhs as good will and the complainant believing their words paid amounts from time to time totaling Rs.40 lakhs. 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 by their personal purposes. On his demand, A4 gave him 10 cheques for Rs.5 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 A4 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 A4 had real estate transactions and the complainant and his friends used to avail the services of A4 for buying and developing plots, but A4 never cheated them. Since the parties are in real estate business since long time, it is difficult to believe that A1 and A4 misrepresented him that some plots belonging to their family members would be 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 A4 to threaten A4. 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 A4 some of which are under investigation and further, the family members of A4 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 A4 as they represented that Plot No.134 in Jubilee Hills, Plot No.74 in Journalist Colony, Plot No.73 in Navanirman Colony and Plot No.Nil in Journalist Colony belong to their family members and they would hand over those sites for development to the complainant and demanded Rs.40 lakhs as good will and obtained Rs.40 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 A4 and investigation in the present crime is in the nascent stage, bail is refused to A4—Velagapudi Ramakrishna. So far as petitioners A5 to A10 are concerned, the FIR allegations would show that amounts were paid to A1 and A4 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 A4 executed MOU in favour of complainant. Considering the fact that allegations against these petitioners are not as grave as against A1 and A4 and further, some of the petitioners are ladies, bail is granted to them.

8) In the result, Cr.P.No.1658 of 2017 is dismissed, whereas Cr.P.No.1659 of 2017 is allowed and petitioners/A5 to A10 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.

U.DURGA PRASAD RAO, J

Dt: 06.03.2017
Murthy

