

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION NO.8022 OF 2017

ORDER:

Petitioner, who is A1 in Cr.No.217 of 2017 on the file of Station House Officer, Pulivendula Police Station, YSR Kadapa District, registered for the offence punishable under Section 420 r/w 34 IPC, filed this petition under Section 438 Cr.P.C. seeking anticipatory bail.

2. Learned counsel for the petitioner submitted that the petitioner was falsely implicated in this case. He further 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; therefore, it is a fit case to grant pre-arrest bail to the petitioner. **Per contra**, learned Additional Public Prosecutor representing the State submitted that the allegations made in the complaint *prima facie* constitute the offence alleged to have been committed by the petitioner; therefore, it is not a fit case to grant pre-arrest bail to the petitioners.

3. The case of the prosecution is that the petitioner assured the de facto complainant that he will get licence for granite business before the end of December, 2016 and induced him to invest some amount in the business. Believing the words of the petitioner, the de facto complainant gave an amount of Rs.20,00,000/- in the presence of the elders. It is the further case of the prosecution that the petitioner neither gets granite licence nor repaid the amount. The gist of the allegations made in the complaint is that the petitioner cheated the de facto complainant.

4. The petitioner along with A2 filed CrI.M.P.No.1321 of 2017 on the file of the I Addl. Sessions Judge, Kadpa, under Section 438 Cr.P.C. seeking anticipatory bail and the same was dismissed on 07.08.2017 insofar as the present petitioner-A1 is concerned.

5. A perusal of the record *prima facie* reveals that the de facto complainant paid an amount of Rs.20,00,000/- to the petitioner in the presence of L.Ws. 2 and 3 in connection with granite business. A perusal of the record reveals that the petitioner could not get granite licence. A perusal of the record reveals that the petitioner did not choose to repay the amount even after he failed to get licence. A perusal of the record *prima facie* reveals the role played by the petitioner in the commission of offence.

6. Taking into consideration the nature of the offence alleged to have been committed by the petitioner and the stage of investigation, I am of the considered view that it is not a fit case to grant bail to the petitioner at this stage.

7. Accordingly, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

DATED: 13-09-2017.

Hsd