

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5098 of 2017

ORDER:

This criminal petition is filed, by the petitioner-accused No.1 under Section 438 Cr.P.C. seeking pre-arrest bail in Crime No.63 of 2017 on the file of the Station House Officer, Market Police Station, Secunderabad, registered for the offences punishable under Sections 420, 468, 471 read with 511 IPC.

2. The learned counsel for the petitioner 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 for the offences punishable under Sections 420, 468 and 471 IPC. He further submitted that bank has not sanctioned loan to the petitioner and others, therefore, no financial loss was caused to the bank; hence, it is a fit case to grant bail to the petitioner. ***Per contra***, learned Additional Public Prosecutor representing the State submitted that the petitioner herein along with others hatched up a plan to cheat the bank and produced false identity card, Form No.16 and pay slips. He further submitted that investigation is in progress, therefore, it is not a fit case to grant pre-arrest bail to the petitioner.

3. The case of the prosecution, in brief, is that the petitioner herein along with others approached the bank for personal loan. The petitioner herein produced individual identity proof, individual address proof, form No.16 for assessment year 2016-17, pay slip and bank statement from State Bank of India and State Bank of Hyderabad. It is the further case of the prosecution that petitioner

herein along with others produced the forged document with an ulterior motive to cheat the bank. The petitioner along with A3 filed CrI.M.P.No.1852 of 2017 under Section 438 Cr.P.C. on the file of the Special Judge for trial of offences under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act – cum – VI Additional Metropolitan Sessions Judge, Secunderabad, and the same was dismissed on 14.06.2017. A perusal of the record reveals that Accused Nos.1, 4 and 8 were arrested and produced before the concerned Court for judicial custody. So far, the investigating agency has not apprehended accused Nos.3, 5 to 7, 9 and 10 and the investigation is in progress. A perusal of the record *prima facie* reveals the role played by the petitioner in commission of the offence.

4. Taking into consideration the nature of the offence alleged to have been committed by the petitioner as well as 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.

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

T.SUNIL CHOWDARY, J

17th August, 2017
Rns