

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.11333 of 2017

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused No.1, for grant of anticipatory bail in the event of his arrest in Crime No.212 of 2017 on the file of the Mangalhat Police Station, Hyderabad District, registered for the offences punishable under Sections 406, and 420 of I.P.C.

2. Heard the learned counsel for the petitioner/accused No.1, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The learned counsel for the petitioner/accused No.1 would submit the petitioner/accused No.1 is innocent person and falsely implicated in the case. The offence is alleged to have been committed on 06.04.2017, but a report was lodged on 28.09.2017. No money has been misappropriated by the petitioner/accused No.1. The prosecution case is false. There is enormous delay in lodging report with the police and ultimately prayed to allow the application.

4. On the other hand, the learned Additional Public Prosecutor opposed the grant of bail to the petitioner/accused No.1.

5. The material on record reveals that the de-facto complainant, Hemraj Jain, lodged a report with the police on 28.09.2017 stating that he is running business of plywood in the name and style of M/s.L.Bhandari Distributors, Aghapura, Hyderabad. He handed over

the stock on 06.04.2017, vide invoice No.0080, and on 07.04.2017, vide invoice No.0082, worth Rs.1,86,214/- and Rs.54,290/- respectively to the petitioner/accused No.1, who was working in the shop of the de-facto complainant, to deliver the same to Sri Shankar Hardware, Nizamabad. Thereafter, the amount relating to the said invoices was not received. On verification of accounts, he found that the said amount was deposited into the account of the accused No.2, who is also working in the shop of the de-facto complainant.

6. There is specific allegation of this petitioner/accused No.1 cheating the de-facto complainant to a tune of Rs.1,86,214/- and Rs.54,290/-, along with accused No.2. The allegations are grave. The matter requires investigation. It cannot be said that the petitioner/accused No.1 was falsely implicated in this case. Granting of bail to the petitioner/accused would hinder the investigation and there is possibility of the petitioner/accused falsifying the accounts and winning over the witnesses. It is not a fit case to allow this application under Section 438 Cr.P.C.

7. Hence, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

27th November, 2017
Bvv