

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11029 of 2017

ORDER:

Heard learned counsel for the petitioners/A.2, A.4 and A.5, learned Additional Public Prosecutor for the respondent State, and perused the record.

This petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners/A.2, A.4 and A.5 in Crime No.363 of 2017 of Karimnagar II Town Police Station, Karimnagar District, for the offences punishable under Sections 342, 384 and 506 IPC read with Section 34 IPC.

Learned counsel for the petitioners/A.2, A.4 and A.5 would submit that A.1 and A.3 were remanded to judicial custody. There is no mention of names of A.4 and A.5 in the report lodged with the police on 08.10.2017. The total case of the prosecution is false. The dispute is only between A.1 and the de facto complainant and ultimately, prayed to grant bail to the petitioners/A.2, A.4 and A.5 under Section 438 Cr.P.C.

Learned Additional Public Prosecutor opposed the grant of bail to the petitioners/A.2, A.4 and A.5.

The material on record reveals that on 08.10.2017, on receiving a call from A.1, the de facto complainant went to flat No.306 situated at Reddy Residency, Karimnagar, with 40 kgs of Ginger paste. Along with A.1, four other persons were also there. A.1 informed the de facto complainant that he suffered a loss of

Rs.3,50,000/- due to poor quality ginger paste supplied by the de facto complainant. As that amount was not paid, he wrongfully confined the de facto complainant and threatened to kill him. Accused took away ATM card of the de facto complainant and encashed Rs.50,000/- and also obtained a document for Rs.1,00,000/- in favour of A.1. In FIR, there is also mention of the names of A.2 and A.4. In the remand case report of A.1 and A.3, it is mentioned that the petitioner/A.5 also participated in the commission of offence. There are specific allegations against all the petitioners constituting offences under Sections 342, 384 and 506 IPC read with Section 34 IPC. The gravity of offence is very high. The petitioner/A.5 is required to be identified by the witnesses. There is possibility of the petitioners/A.2, A.4 and A.5 causing disappearance of the material evidence. Hence, it is not a fit case to grant bail to the petitioners/A.2, A.4 and A.5 under Section 438 Cr.P.C.

Therefore, the Criminal Petition is dismissed.

Dr. SHAMEEM AKTHER, J

20th NOVEMBER, 2017.

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