

HON'BLE DR JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11036 of 2017

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused No.2 for grant of bail in the event of his arrest in connection with Crime No.644 of 2017 of Krishna Lanka Police Station, Vijayawada, Krishna District, registered for the offence punishable under Section 420 IPC.

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

3. The learned counsel for the petitioner/accused No.2 would submit that the petitioner has been falsely implicated in this case. There were money disputes between the petitioner and the *de facto* complainant and the petitioner paid the entire amount due. Even though the petitioner has paid the entire amount, the *de facto* complainant got issued legal notice to the accused and thereafter, foisted a false against him and ultimately prayed to grant bail to the petitioner.

4. On the other hand, the learned Additional Public Prosecutor opposed grant of bail to the petitioner/accused No.2

5. The material on record reveals that there was a notification in Krishna District for appointment to the post of Record Assistant. The petitioner/A.2, who is a tenant of the relative of *de*

facto complainant, approached the *de facto* complainant and promised to procure job of Record Assistant to his son on payment of Rs.10,00,000/-. Thereafter, the *de facto* complainant paid an amount Rs.5,00,000/- to the petitioner/A.2 in the year 2015 for the said purpose. The petitioner did not provide job to the son of the *de facto* complainant and did not return the money. Thereafter, disputes arose between them and on a report lodged with the police, the present case is registered and is under investigation.

6. As seen from the record, the allegations are severe in nature. There is an element of cheating coupled with dishonest intention to get money from the *de facto* complainant. Release of petitioner/A.2 under Section 438 Cr.P.C. would hinder the investigation. The matter requires thorough investigation. The petition is devoid of merits and it is liable to be dismissed.

7. Accordingly, the Criminal Petition is dismissed.

DR JUSTICE SHAMEEM AKTHER

NOVEMBER 22, 2017

YVL

HON'BLE DR JUSTICE SHAMEEM AKTHER



CRIMINAL PETITION No.11036 of 2017

Date: 22.11.2017

YVL