

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.12476 OF 2017

ORDER:

This Criminal Petition is filed by the petitioner/A.3 under Section 438 Cr.P.C. for grant of anticipatory bail to him in Crime No.854 of 2017 of Vanasthalipuram Police Station, Rachakonda District, registered for the offences punishable under Sections 148, 307, 342 r/w 149 I.P.C.

2. Heard the learned counsel for the petitioner/A.3, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The learned counsel for the petitioner/A.3 would submit that the petitioner is an innocent person and falsely implicated in this case. The reason for implication of this petitioner in this case is that he is related to accused No.1. In the entire First Information Report lodged with the police, there is no specific mention of any overt act against this petitioner. Though the offence alleged to have taken place on 06.12.2017, the complaint was lodged on 13.12.2017 and there is a delay of 7 days in lodging the report in this case, and ultimately prayed to allow the application.

4. The learned Additional Public Prosecutor opposed for grant of bail to the petitioner/A.3 and contended that ATM card, cheque books and passport of the *de facto* complainant were taken by the petitioner/A.3 and other accused in this case. The accused Nos.5 to 8 were arrested and remanded to judicial custody and accused Nos.1, 2 and 4 are absconding. In the course of investigation, it has come to light that this petitioner has taken out the teeth of the *de facto* complainant. This petitioner has also

invested some money in the disputed establishment, and ultimately prayed to dismiss the application.

5. Now, the point for determination is – whether the petitioner/A.3 is entitled for bail under Section 438 Cr.P.C.?

6. As per the material placed on record, the accused No.1 and the *de facto* complainant have started businesses under the name and style of 'Deccan Traders', 'Sky LEDs' and 'MSF Deccan' at Dubai and UAE. This business was developed in the last three years. Thereafter, the accused No.1 in order to grab the entire business, asked the *de facto* complainant to transfer the same in the name of his mother, for which the *de facto* complainant expressed his reluctance. Thereafter, the *de facto* complainant was pressurised to do so and ultimately on 06.11.2017 around 5.00 p.m., the petitioner/A.3 and other accused took the *de facto* complainant to their factory situated at Hayathnagar. In the said factory, the petitioner/A.3 and other accused beat the *de facto* complainant with rods on head and mouth and the *de facto* complainant suffered grievous injuries and his two teeth were loosened and the petitioner/A.3 is said to have taken out those two teeth and the ears of the *de facto* complainant were also cut. The accused persons also gave electric shock to the *de facto* complainant and the entire scene was videographed with the help of a phone and threatened that this would be uploaded in Youtube and Whatsapp and confined in illegal custody. The accused also said to have taken ATM Cards, original passport and some other official records of the *de facto* complainant and forced him to sign on cheques, and threatened to kidnap his younger sister and younger brother from the colleges and also to kill his father.

7. When the *de facto* complainant was taken treatment in a hospital by name Amma Multi Speciality Hospital on 07.11.2017, he telephoned to 100 number and conveyed the same. The ward boy conveyed the same to the accused in this case. Again, the *de facto* complainant was taken by the accused, beat him and threatened, and set free.

8. As seen from the entire material on record, there are specific and grave allegations against the petitioner/A.3. As per the prosecution case, the petitioner/A.3 also invested money in the establishment belonging to the *de facto* complainant and accused No.1. There are specific and grave allegation against this petitioner that he has taken out the teeth of the *de facto* complainant. There are also allegations that the accused were taken out the ATM cards, original passport, cheque books, etc. and forced the *de facto* complainant to sign on the blank cheques. These allegations are required thorough investigation and recoveries are also required to be made. Viewed from in any angle, it cannot be said that the petitioner/A.3 is innocent and there are no justifiable circumstances to allow the application under Section 438 Cr.P.C.

9. This Criminal Petition is, accordingly, dismissed.

Dr. SHAMEEM AKTHER, J

Date: 22-12-2017.

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