

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

THURSDAY, THE FIFTEENTH DAY OF FEBRUARY,
TWO THOUSAND AND EIGHTEEN

PRESENT:
THE HON'BLE SMT JUSTICE T. RAJANI

CRL P.No. 1315 of 2018

Between:

- 1 Sudhakar Rao, S/o. M. Subba Rao,
aged about 58 years, CEO,
R/o. Plot No.306, Ramakrishna Vidhyanikatan,
Ginumalagiri, Hyderabad-500066.
- 2 ^A ~~Anand~~ Raju Datta, S/o. late D.S. Raju,
aged about 61 years, General Manager (South),
R/o.Flat No. 302, Sai Raghavendra Brundavan,
Near Zenas School, Mathrusri Nagar, Miyapur, Hyderabad-49.
- 3 Chandra Sekhar Ratnala, S/o. R. Srinivasa Rao,
aged about 38 years, Marketing Manger,
R/o.21/281, LB Colony,Visakhapatnam-17
- 4 Snkanth .B Kanjkar, S/o. Babu Rao Kanjkar,
aged about 46 years, Territory Manager (AP and Telangana),
R/o.Flat No.103, Girish Residency, Nizampet Road,
Vijaya Bank Building, Nizampet, Kukatpally, Hyderabad.
- 5 Sudhakar Raju Oguri, S/o. Vatniyeiu,
aged about 38 years, Business Manager,
R/o. 2-178, Mori Oguri Vari Group, Shankaragupam,
East Godavari District.
- 6 G.S.S. Srinivas, S/o. G. Suryanarayana,
aged about 40 years, Asst.Territory Manager,
R/o.Plot No.79/80, Flat No.G-2, Gangachara Enclave,
Shubodhaya Colony, Pipe Line Road, Kukatpally, Hyderabad.
- 7 B.Shanti Kiran, S/o. B. Satyanarayana,
aged about 38 years, Area Sales Manager,
R/o.2-1-42/A,Dr.Chary Colony, Nallakunta, Hyderabad-44.
- 8 K.Ramakrishna, S/o. K. Subba Rao,
aged about 43 years, Area Manager,
R/o.29-1378/4/2, Plot No.106, Kakatiya Nagar,
Near Ramakrishna Niketan, Neredmet, Tirumalagiri, Hyderabad.
- 9 Santosh Varma Alluri, S/o. Suryanarayana Raju,
aged about 41 years, Creative Homes,
Shyamlal Road, Hyderabad.
- 10 Sachin Labde, S/o. Saheb Rao,
aged about 40 years, R/o. Prabhadevi,
Behind Union Bank, Maharashtra, India-400 025.

..... Petitioners/
Accused (A1 to A10)

AND

The State of Telangana, Rep. by its Public Prosecutor, High Court of Judicature, at
Hyderabad,

..... Respondent/
Complainant

Petition under Section 438 of Cr.P.C. praying that in the circumstances stated
in the petition filed herein, the High Court may be pleased to direct release of
petitioners on bail in the event of their arrest in connection with Crime No.11/2018 of
Begumpet Police Station, Hyderabad District.

The petition coming on for hearing, upon perusing the Petition filed in support thereof and upon hearing the arguments of Sri T. Nagarjuna Reddy, Advocate for the Petitioners and of the learned Public Prosecutor (TG) for the Respondent-State, the Court made the following

ORDER:

"This Criminal Petition is filed by the petitioners/accused Nos.1 to 10 in Crime No.11 of 2018 on the file of the Begumpet Police Station, Hyderabad District, for grant of anticipatory bail. The offences alleged are under Sections-406 and 420 read with 34 of IPC.

Heard the learned Counsel for the petitioners and the learned Public Prosecutor appearing for the respondent. Perused the record.

The case of the prosecution is that the de facto complainant saw an advertisement in the newspapers regarding setting up of diesel pump and approached the officials of My Own Eco Energy Private Limited for dealership. He paid Rs.1,03,000/- and the petitioners assured that he would be allotted the dealership within a few days. Later, the Area Manager-Ramakrishna and Anil, Engineer visited the site and expressed that the site shown by the de facto complainant is suitable for installation of diesel pump. They asked the de facto complainant to pay Rs.15 lakhs, as such, he paid the said amount and later, the petitioners started giving evasive replies. When he pressurized them, the petitioners asked to pay more amount of Rs.30 lakhs. Then, the de facto complainant went to the bank for obtaining the loan, who asked him for certain documents and when he asked the petitioners to give the said documents, they failed to provide the same. Finally, the de facto complainant came to know that the company is a fraud. He asked for return of the amount, but instead of returning the amount, the petitioners are threatening him.

Learned Counsel for the petitioners submits that as per the terms of the agreement, apart from paying the cash deposit, they directed the petitioners to furnish bank guarantee and in order to avoid giving the bank guarantee, the de facto complainant has come up with this complaint. In support of his contention that the machinery was in fact installed in the site of the complainant, learned counsel for the petitioners relies on the Photostat copies of the photographs showing the installation of the machinery in the site of the de facto complainant. He also relies on the purchase order of the said machinery which is purchased for the purpose of installing the same in the site of the de facto complainant.

Hence, in view of the above transactions, this Court prima facie sees that the petitioners have complied with the terms of the agreement and that the complaint is, prima facie, doubtful, with regard to the allegations made therein.

Hence, considering the above, the Criminal Petition is allowed and the petitioners are directed to surrender before the Station House Officer, Begumpet Police Station, Hyderabad District, within 15 days from the date of this order. On such surrender, the petitioners shall be released on bail on each of them executing a personal bond for a sum of Rs.20,000/- with two sureties each for a like sum each to the satisfaction of the said Station House Officer. Further, on such release, the petitioners shall abide by the conditions mentioned under Section 438 (2) Cr.P.C., as under:

1. The petitioners shall make themselves available for interrogation by the Police Officer as and when required.
2. The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.
3. The petitioners shall not leave India without the previous permission of the Court.

As a sequel, the Miscellaneous Petitions, pending if any, stand closed."

Sd/- M. MANJULA
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The Special Judge for Trial of Offences under SCs & STs (POA) Act-cum-VI Addl. Metropolitan Sessions Judge, Secunderabad.
- 2 The Station House Officer, Begumpet Police Station, Hyderabad District.
- 3 One CC to Sri T. Nagarjuna Reddy, Advocate (OPUC)
- 4 Two CCs to Public Prosecutor (TG), High Court of Judicature at Hyderabad, (OUT)
- 5 One spare copy.

HIGH COURT

TR,J

DATE: 15-02-2018

ANTICIPATORY BAIL ORDER

CRL.P. NO. 1315 OF 2018

ALLOWED

15 FEB 2018
[Signature]