

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.3701 OF 2018

ORDER:

This petition is filed under Section 438 of Criminal Procedure Code (for short "Cr.P.C.") by the accused, apprehending his arrest, in Crime No.74 of 2018 on the file of Kacheguda Police Station, Hyderabad, registered for the offences punishable under Sections 420 and 506 of Indian Penal Code (for short "I.P.C.") to direct the Station House Officer, Kacheguda Police Station to release him on bail in the event of his arrest in connection with the above crime.

The case of the prosecution, in brief, is that the defacto complainant lodged report with the police on 08.03.2018 alleging that in the year 2015 the petitioner was transferred to Primary Health Centre, Shadnagar and subsequent to his transfer, he approached the defacto complainant and stated that he gave divorce to his 1st wife and will marry the defacto complainant. Then she questioned to show divorce decree copy, the petitioner stated that he needs sometime to get divorce copy. On that, defacto complainant believed the words of the petitioner and he used to come to staff quarters at Barkatpura and pick her and used to go outside. Petitioner knows that the defacto complainant having money with her and with prearranged plan, he collected huge amount from her by way of cheque while promising to marry her. On 07.01.2018, when the defacto complainant questioned the petitioner why he cheated her, he stated that he has given divorce to his 1st wife and also interested to continue with the defacto complainant and he will keep her as kept mistress and threatened

her that if again she demands money, he would eliminate her and her brother. Basing on the said complaint, police registered the crime for the offences punishable under Sections 420 and 506 of I.P.C.

Sri T.Anirudh Reddy, learned counsel for the petitioner, contended that the petitioner is a government employee and he borrowed an amount of Rs.2,43,000/- as hand loan with an intention to repay the same and he received threatened call from the defacto complainant, to that effect he also issued legal notice to the defacto complainant and that the petitioner did commit no offence much less offence punishable under Sections 420 and 506 of I.P.C. and prayed to release the petitioner on pre-arrest bail in the event of his arrest.

Learned Public Prosecutor for the State of Telangana opposed the petition on the ground that the investigation is not completed and only 4 witnesses were examined and at this stage, if the petitioner is enlarged on pre-arrest bail, there is every possibility of interfering with the further investigation.

As seen from the material on record, the petitioner made the defacto complainant to believe that he is a divorced person, promised to marry her and moved closely with her and picked the defacto complainant from her quarters and used to go to various places. Believing his words, defacto complainant parted with huge amount by way of cheque. In fact, he is not a divorced person and he made false representation to the defacto complainant and induced her to part with huge amount. Now, the petitioner invented a different story and issued a legal notice to the defacto complainant on 28.02.2018 to cover-up latches on his part.

The facts narrated in the complaint and the material collected so far, would show that the petitioner made a false promise to the defacto complainant to marry her as if he is a divorced person. But in fact he did not obtain divorce from his 1st wife and collected huge amount from the defacto complainant. As he is an employee, he under an obligation to obtain prior permission to take loan in view of conduct Rules, but he did not obtain such permission and to avoid repayment of amount, which he collected from the defacto complainant, he appears to have invented a story and issued a legal notice to the defacto complainant. Further, investigation is not completed so far. Taking into consideration of stage of investigation and the manner in which the petitioner committed offence, I find that it is not a fit case to grant pre-arrest bail to the petitioner as there is every possibility of interfering with further investigation, in the event of enlargement of petitioner on pre-arrest bail. Hence, the petition fails. Consequently, the petition is liable to be dismissed.

In the result, the petition is dismissed.

The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

02.04.2018
Ksp