

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.3881 of 2018

ORDER:

This criminal petition is filed under Section 438 Cr.P.C to grant pre-arrest bail to the petitioner/Accused No.2 apprehending her arrest in connection with Crime No.176 of 2017 on the file of Kurnool II Town Police Station, Kurnool District, for the offences punishable under Sections 420, 468, 471 and 409 read with Sec.34 IPC.

The petitioner is Accused No.2 and wife of Accused No.1. One Dr.Vijayabhaskar Reddypogu lodged a report before the police alleging that Accused No.1, forging the signature of the petitioner/Accused No.2 and creating false documents, like Pan Card etc., obtained loan of Rs.1.00 crores with the help of Field Officer and Manager of Canara Bank and this petitioner is beneficiary of 80% of the loan.

The main contention of the petitioner/Accused No.2 is that there were disputes between her and her husband and thereby question of creating false documents and obtaining loan does not arise. She further contended that on 07.09.2017 she lodged a report against her husband and his family members before Women P.S. Kurnool and the same was registered as a case in Cr.No.76/2017 for the offences punishable under Section 498-A, 494, 420 and 323 r/w.34 IPC and under Section 4 of Dowry Prohibition Act.

This incident of forgery etc., took place on 30.06.2017, but the petitioner/Accused No.2 lodged the complaint against Accused No.1 and others almost three months after the present crime. Therefore, registration of a case in Cr.No.76/2017 against Accused No.1 on the complaint of this petitioner/Accused No.2 for the offences punishable

under Sections 498-A, 494, 420 and 323 r/w.34 IPC and under Section 4 of Dowry Prohibition Act etc., is of no help to this petitioner/Accused No.2.

The learned Public Prosecutor for the State contended that when Accused No.1 was interrogated by the police, he confessed that the petitioner/Accused No.2 is a beneficiary of 80%. But the confession of co-accused is not binding and admissible.

The material on record shows that the petitioner/Accused No.2 is also a beneficiary and partner of the business, who obtained the loan more than Rs.1.00 crore and the partner is also liable for the acts of the other partner. It is also clear from the record that the investigation is not completed as on today. In view of the above, it is not a fit case to grant pre-arrest bail to the petitioner/Accused No.2.

Therefore, the Criminal Petition is dismissed. However, the petitioner/Accused No.2 can move for regular bail at appropriate time before appropriate court.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.SATYANARAYANA MURTHY,J

Date: 09.04.2018
Dsr