

HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6472 OF 2018

ORDER:

The petitioner is accused No.1, among three or more accused, of Crime No.28 of 2018 of Asifnagar P.S. of Hyderabad City, registered for the offences punishable under Sections 384, 448 and 506 I.P.C. R/w.149 I.P.C.

Heard the learned counsel for the petitioner/A-1 and the learned Public Prosecutor in the anticipatory bail application opposing the bail.

The sum and substance of the accusation from the report dated 08.02.2018 of the de-facto complainant viz., Mohammed Nadeem is that on 07.02.2018 at about 11:33 P.M., petitioner/A-1 called him over phone to come to Mehdiapatnam at Prince Hotel and when he refused, the petitioner/A-1 abused in filthy with a threat to kill. Again, on 08.02.2018 at about 01:57 P.M., the petitioner/A-1 threatened him. Since September, 2017 all the three accused viz., petitioner/Abdullah (A-1), Zaheed (A-2) and Mohammed (A-3) are continuously threatening and about three times, they criminally trespassed into his house at Fazal Hospital, Murad Nagar with a demand for ransom of Rs.1,00,000/-, for which he refused, they abused him in filthy not only him but his family members including his aunt indecently and in December, 2017, accused No.2 came to his house and forcefully kidnapped him by taken to Goutham School area, Mehdiapatnam, where the petitioner/A-1 and five other henchmen threatened him and demanded Rs.1,00,000/- to extort, therefore, requested to take action.

It is not even his case that he having afraid of with a threat to his life, parted with any amount, at any time of the so called threats, to attract the offence under Section 506 I.P.C. Though, the petitioner went

unsuccessful in the anticipatory bail application in Crl.M.P. No.1721 of 2018, dated 13.06.2018, where it is mentioned as if Section 25(1)(a) of the Indian Arms Act also involved, a perusal of the F.I.R. no where mentions use of any weapon much less that comes under said penal provision, even to say in the bail application by such a mention of that Arms Act Section 25(1)(a). There remains the alleged trespass and Criminal extortion. Even it is only at best an attempt to extort, for not even extorted, no doubt, a perusal of the case diary shows he is involved in three more crimes of Asifnagar P.S. viz., Crime No.308 of 2015 under Section 353 I.P.C., Crime No.351 of 2015 under Section 324 R/w.34 I.P.C., and Crime No.101 of 2016 under Sections 417, 494, 498-A and 506 I.P.C. Though, in the case on hand, he deserves bail, because of his previous antecedents and involvement of three more crimes of Asifnagar P.S., including the one under Section 494 I.P.C., this Court is not considering to lend any concession of anticipatory bail. However, it will not prejudice to surrender and move for regular bail.

Accordingly, with the above observations, the Criminal Petition is dismissed.

In consequence, miscellaneous petitions, if any, pending in this Petition shall stand dismissed.

Dr. B.SIVA SANKARA RAO, J

Date: 18.07.2018.
Dsh

HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

174



23072018

CRIMINAL PETITION No. 6472 OF 2018

Date. 18.07.2018

DSH