

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.10835 OF 2018

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner-accused in Crime No.23 of 2018 of Abids Police Station, Hyderabad, registered for the offences punishable under Sections 420 and 506 I.P.C.

2. Heard the learned counsel for the petitioner-accused and the learned Additional Public Prosecutor appearing for the respondent-State, apart from perusing the material available on record.

3. Learned counsel for the petitioner-accused would contend that no money was taken by the petitioner from the *de facto* complainant for providing T.C. job in railways and no agreement was entered into between the petitioner and the *de facto* complainant; the allegations made in the first information report are false; and ultimately, prayed to allow the bail application.

4. Learned Additional Public Prosecutor opposed the grant of bail to the petitioner-accused under Section 438 Cr.P.C. and contended that a written agreement was made in between the parties evidencing that the petitioner-accused would procure a T.C. job in railways and further the *de facto* complainant has to pay Rs.3,00,000/- and the *de facto* complainant has received Rs.50,000/- as advance and the remaining amount would be paid by way of installments and a copy of the agreement is shown to this Court.

5. The allegation made against the petitioner is that he collected Rs.50,000/- from the *de facto* complainant on 14.02.2015 as advance to procure a T.C. job in railways. The total amount agreed to procure the job is Rs.3,00,000/-. The allegations made against the

petitioner are grave. The investigation is in progress. Learned counsel for the petitioner would contend that the report to the police was lodged after three years and no person would wait for three years to get back his money. In some times, with a hope of getting employment, the un-employees, who are in desperate need of employment, will wait for a considerable period. Therefore, the delay caused in filing the report would not falsify the case of the *de facto* complainant. The prosecution has examined four witnesses, who have supported the case of the prosecution. Under these circumstances, it is not a fit case to allow the bail application under Section 438 Cr.P.C. There is no merit in this bail application and it is liable to be dismissed.

6. Accordingly, the Criminal Petition is dismissed.

Date: 22-10-2018

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Dr. SHAMEEM AKTHER, J

