

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.11068 of 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused for grant of anticipatory bail in Crime No.1371 of 2018 of Rajendranagar Police Station, Cyberabad Commissionerate, registered for the offences punishable under Sections 420 & 506 of I.P.C.

2. Heard the submissions of the learned counsel for petitioner/accused, the learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The learned counsel for the petitioner/accused would submit that there was no intention on the part of the petitioner/accused to deceive the de-facto complainant at any point of time. The cheques are said to have been given as a security for supply of steel. The steel supplied was of sub-standard. The petitioner/accused had addressed a letter to the bank to stop payment. The dispute between the parties is purely civil in nature and ultimately prayed to allow the application. In support of his contentions, the learned counsel relied on a judgment of the Apex Court in Dalip Kaur and others Vs. Jagnar Singh and another¹.

4. On the other hand, the learned Additional Public Prosecutor representing the respondent-State opposed for grant of anticipatory bail to the petitioner/accused contending that the petitioner/accused intentionally issued the subject cheques in order to defeat the

¹ 2009 (2) ALD (CrI.) 430 (SC)

payment to be made for the steel received from the de-facto complainant. There are specific and grave allegations against the petitioner/accused constituting the offences punishable under Sections 420 and 506 of I.P.C. The petitioner/accused is not entitled for anticipatory bail under Section 438 of Cr.P.C. and ultimately prayed to dismiss the application.

5. The judgment of the Apex Court in Dalip Kaur's case supra relates to the cancellation of agreement of sale, whereas the dispute in the instant case is with regard to putting different signatures than that of his specimen signatures available with the bank on the cheques alleged to have been issued by the petitioner/accused to the de-facto complainant. Hence, the aforementioned decision has no application to the case on hand.

6. In the instant case, as per the material placed on record, in November, 2016, the petitioner/accused purchased steel, cement and other material worth Rs.6.50 lakhs from the de-facto complainant and issued two cheques towards payment. On deposit of the said cheques into the bank by the de-facto complainant, they were dishonoured. The de-facto complainant came to know that the petitioner/accused had put different signatures than that of his specimen signatures available with the bank on the said cheques. When the signatures put on the cheques given to the de-facto complainant by the petitioner/accused towards payment are different from that of his specimen signatures available with the bank, it cannot be said that there are no *mala fides* on the part of the petitioner/accused. There is also allegation of threatening the de-facto complainant with dire consequences. The matter is under

investigation. The allegations are grave and specific. Release of the petitioner/accused on bail would certainly hinder the investigation and there is every possibility of threatening and influencing the witnesses. It is not a fit case to allow this application.

7. Hence, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

30th October, 2018
Bvv

