

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.12079 of 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.2 for grant of anticipatory bail in Crime No.943 of 2018 of Banjara Hills Police Station, Hyderabad District, registered for the offence punishable under Section 386 of I.P.C.

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

3. The learned counsel for the petitioner/A.2 would submit that the alleged offence said to have been taken place on 27.09.2018, but a report was lodged with the police on 29.09.2018, i.e., with a delay of two days. Further, the petitioner/A.2 was in Yadagirigutta on 27.09.2018. The allegations made in the First Information Report are absolutely false and concocted. The de-facto complainant falsely implicated the petitioner/A.2 in this case and ultimately prayed to allow the application.

4. On the other hand, the learned Additional Public Prosecutor opposed for grant of bail to the petitioner/A.2 and contended that there are specific allegations against the petitioner/A.2. The investigation conducted by the police proves the same. There are no merits to allow the application

under Section 438 of Cr.P.C. and ultimately prayed to dismiss the application.

5. In view of the above rival contentions, the point that arises for determination in this application is whether the petitioner/A.2 is entitled for bail under Section 438 of Cr.P.C.

6. As per the report, dated 29.09.2018, lodged with the police by the de-facto complainant-Yasmin, the petitioner/A.2, along with one Venkat Yadav, alleged to have trespassed into the house of the de-facto complainant and asked her, why she did not pay monthly mamul from the month of July. There is also specific mention in the report lodged with the police that the de-facto complainant was beaten by the petitioner/A.2 and another and was also threatened to do away with her life. There is also mention in the report lodged the police that the petitioner/A.2, along with the other accused, forcefully took the keys of the almirah from the de-facto complainant and took away gold ornaments weighing 50 grams and cash of Rs.2.00 lakhs by threatening to do away with her life. Investigation conducted by the police so far also substantiates the allegations levelled in the First Information Report. There are specific and grave allegations against the petitioner/A.2 constituting offence punishable under Section 386 of I.P.C. It cannot be said that the petitioner/A.2 is an innocent person and was falsely implicated in this case. There is also specific mention in the First Information Report that the petitioner/A.2 is a Pahelwan. It establishes that he is an influential person. Release of the

petitioner/A.2 on bail would certainly hinder the investigation and there is every possibility of threatening the de-facto complainant and the other witnesses in this crime. The Criminal petition is devoid of merit and is liable to be dismissed.

7. Hence, the Criminal Petition is dismissed.

Pending miscellaneous petitions, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

22nd November, 2018
Bvv

