

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.13294 OF 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C), is filed by the petitioner/accused, for grant of anticipatory bail in the event of his arrest in connection with Crime No.192 of 2018 of Maharanipeta Police Station, Visakhapatnam District, registered for the offence punishable under Section 420 IPC.

2. Heard learned counsel for the petitioner/accused, the learned Public Prosecutor appearing for the respondent-State and perused the record.

3. Learned counsel for the petitioner/accused would submit that the petitioner filed I.P.No.29 of 2018 on the file of Senior Civil Judge, Visakhapatnam; that the petitioner had suffered heavy loss in construction of hospital, therefore, he could not pay money to the creditors; that the dispute between the parties is civil in nature and ultimately prayed to allow the application.

4. As per the allegations made in the First Information Report, petitioner/accused asked the *de facto* complainant to invest an amount of Rs.1,00,00,000/- for construction of multi speciality hospital under the name and style of 'Vaishnavi Hospital' at Maharanipeta, Visakhapatnam. Accordingly, the *de facto* complainant gave the said amount. But, as per the record, no such hospital has come into existence. There is also nothing to substantiate that any money received from the creditors was utilized for the purpose, for which it was taken. Under these

circumstances, it cannot be said that there are no ingredients of Section 420 IPC. Further, the petitioner had collected huge money running in crores of rupees from different persons. The application is devoid of merit. Therefore, the petitioner/accused is not entitled for bail under Section 438 Cr.P.C.

5. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions, if any, pending in this petition shall stand closed.

DR.JUSTICE SHAMEEM AKTHER

DECEMBER 19, 2018
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Date: 19.12.2018

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