

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.12739 OF 2017

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.196 of 2015 of Tenali II Town Police Station, Guntur Rural, Guntur District, registered for the offences punishable under Sections 420 and 406 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 submit that the petitioner-accused is innocent person and he is falsely implicated in this case; the petitioner-accused has filed I.P. No.38 of 2015 on the file of the Additional Senior Civil Judge, Tenali, Guntur District, and it was dismissed; all the allegations made in the report are absolutely false; the petitioner-accused is not entrusted with any gold or silver ornaments; and ultimately, prayed to allow the application.

4. Learned Additional Public Prosecutor opposed the grant of bail to the petitioner-accused under Section 438 Cr.P.C.

5. The material available on record reveals that the petitioner-accused is a resident of Tenali and was having gold shop in the name and style of Viswas Jewellers. The petitioner-accused was entrusted with gold and silver ornaments valued Rs.4,00,000/- by the *de facto* complainant on 02.07.2015 and later neither the petitioner-accused returned the gold ornaments nor the amount. The element of dishonest intention and misappropriation of the amount is present. The allegations are grave. The dismissal of the I.P. is not a ground to allow the application. The

matter requires investigation. The release of the petitioner-accused would hinder the investigation. There is possibility of the petitioner-accused causing disappearance of the evidence. Under these circumstances, it is not a fit case to grant bail to the petitioner-accused under Section 438 Cr.P.C.

6. In the result, the Criminal Petition is dismissed.

Dr. SHAMEEM AKTHER, J

Date: 03-01-2018

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