THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.991 of 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.1, for grant of anticipatory bail in Crime No.134 of 2018 of CCS, DD, Hyderabad District, registered for the offences punishable under Sections 406, 420 read with 34 of IPC.

2. Heard the learned counsel for the petitioner/A.1, the learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The learned counsel for the petitioner/A.1 would contend that no amount is paid to the petitioner/A.1. Some financial irregularities were committed by the de-facto complainant for which, a report was lodged against him by one M.Lankayya Babu. Pursuant to the same, a case in Crime No.186 of 2018 on the file of Market Police Station, Hyderabad District, for the offences punishable under Sections 406, 420 & 506 of IPC, was registered against the de-facto complainant. In order to save himself from Crime No.186 of 2018, the present report is filed by the de-facto complainant. It is also contended that there is no transfer of money to the account of the petitioner/A.1 from the de-facto complainant and ultimately prayed to allow the application.

4. On the other hand, the learned Additional Public Prosecutor would contend that a total amount of Rs.2,44,00,000/- was transferred to the account of the petitioner/A.1 and his wife, who is

A.2 in this case. The said amount was procured by the petitioner/A.1 by making false promises to get sanction of petrol pump, employment etc., and also contended that the allegations are grave, matter requires thorough investigation and ultimately prayed to dismiss the application.

5. In view of the above rival contentions, the point that arises for determination in this Criminal Petition is whether the request of the petitioner/A.1 can be acceded to?

6. The petitioner herein is A.1 in the subject crime, who is a Senior Assistant in Central Administrative Tribunal. The allegations are that this petitioner/A.1, along with the other accused in this case, indulged in taking an amount of Rs.3,50,000/- as loan from the de-facto complainant, repaid Rs.1.50,000/- only and failed to pay the balance amount of Rs.2,00,000/-. There are also allegations that this petitioner/A.1, along with the other accused, received Rs.10,00,000/- from the de-facto complainant with a promise to procure employment in Indian Railways. There are also allegations that this petitioner/A.1, along with his wife (A.2), received amount to a tune of Rs.2,44,00,000/- in total, on different dates, through bank transactions, in order to get sanction of petrol pump to the de-facto complainant. There are details of bank account to which, huge money is transferred. There are serious allegations of fraud, breach of trust etc. The matter requires thorough investigation. It is too early to determine that this petitioner/A.1 did not receive any money from the de-facto complainant by resorting to unlawful measures. Under these

circumstances, this application 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.

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Dr. SHAMEEM AKTHER, J

20th March, 2019
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