

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.1162 OF 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A.2 to A.5, for grant of anticipatory bail in Crime No.8 of 2019 of Bachupally Police Station, Cyberabad, registered for the offences punishable under Sections 406, 420, 379, 403, 506 and 120B of IPC.

2. Heard the learned counsel for the petitioners/A.2 to A.5, the learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. Learned counsel for the petitioners/A.2 to A.5 would contend that there is a partnership business with regard to sale of automobile spare parts between A.1 and the *de facto* complainant. There is an arbitration clause in the partnership deed to refer all disputes to the Arbitrator. There is also a memorandum of understanding with regard to the amounts due in between the parties. Without adverting to the civil remedies available under law, the *de facto* complainant made a false report alleging misappropriation and stealing of the automobile parts by the petitioners/A.2 to A.5 and A.1. The dispute between the parties is civil in nature. No criminal case is made out in the given circumstances and ultimately, prayed to allow the petition.

4. Learned Additional Public Prosecutor opposed the grant of bail to the petitioners/A.2 to A.5 and ultimately prayed to dismiss the petition.

5. As per the material placed on record, A.1 and his family members, who are the petitioners herein are having acquaintance with the *de facto* complainant. A.1 claimed that he has purchased automobile stocks worth Rs.15.00 lakhs for sale of the same at Nizampet. In the course of business, the petitioners/accused misappropriated huge money. Thereafter, they have stolen the stocks from the automobile shop. There are specific allegations of participation of all the petitioners/accused in commission of offences mentioned above. The investigation is not yet completed. The gravity of offence is high. The *de facto* complainant is being cheated and his amounts were misappropriated and even the available stocks were stolen by the petitioners/A.2 to A.5 along with A.1. The allegations are grave. The punishment for the alleged offences is stringent. It cannot be said that no offence is made out under Sections 406, 420, 379, 403, 506 and 120B of IPC. Therefore, the petitioners are not entitled for bail under Section 438 of Cr.P.C.

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

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

DR. SHAMEEM AKTHER, J

Date: 05.03.2019
ssp