

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.1398 of 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused, for grant of anticipatory bail in Crime No.32 of 2019 of Mangalhat Police Station, Hyderabad District, registered for the offences punishable under Sections 403, 406, 420, 506 read with 34 of IPC.

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

3. The learned counsel for the petitioner/accused would submit that the dispute between the parties to the litigation is civil in nature. A false complaint is lodged and ultimately prayed to allow the application.

4. The learned Additional Public Prosecutor opposed for grant of anticipatory bail to the petitioner/accused.

5. As per the material placed on record, this petitioner/accused owns a house bearing No.12-1-277/1, consisting of G+3 floors admeasuring 171 square yards situated at Asif Nagar, Hyderabad. He alienated the said house to different persons and received part sale consideration. The de-facto complainant is one among them. Having paid Rs.30,00,000/- in total, when the de-facto complainant

demanded the petitioner/accused to receive the balance sale consideration and register the house in his name, the petitioner/accused threatened and abused the de-facto complainant with dire consequences. As per the records, this petitioner/accused indulged in four similar criminal cases for alienating the subject house to other persons. The details are as follows:

- a) Crime No.199/2009, U/s. 420, 482, 471, 468, 506 of IPC of Habeebnagar Police Station, Hyderabad District.
- b) Crime No.190 of 2017, U/s.420, 406, 506 of IPC of Nallakunta Police Station, Hyderabad District.
- c) Crime No.189 of 2017, U/s.420, 406, 506 of IPC of Nallakunta Police Station, Hyderabad District.
- d) Crime No.97 of 2014, U/s. 420, 421, 424, 506 of IPC of Habeebnagar Police Station, Hyderabad District.

6. It establishes *mens rea* on the part of the petitioner/accused that he made it a business to get money by fraudulent tactics and means. It is not a civil dispute. There are allegations constituting offences punishable under Sections 403, 406, 420, 506 read with 34 of IPC. The gravity of offence is high. The matter requires thorough custodial investigation. This petitioner/accused deserves no consideration under Section 438 of Cr.P.C.

7. Hence, the Criminal Petition is dismissed.

Pending miscellaneous petitions, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

18th March, 2019
Bvv