

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.1741 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.1085 of 2018 of Banjara Hills Police Station, Hyderabad District, registered for the offences punishable under Sections 406 & 420 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 submit that this petitioner/A.1 is falsely implicated in this case, having issued legal notice etc. All the allegations made in the First Information Report are false and ultimately prayed to allow the application.

4. On the other hand, the learned Additional Public Prosecutor opposed for grant of anticipatory bail to the petitioner/A.1.

5. As per the prosecution case, on 13.11.2018, the subject report was lodged by the de-facto complainant with the police stating that this petitioner/A.1, his father (A.2) and his associate (A.3) visited her jewellery shop on many occasions in order to do business with the de-facto complainant, assuring that they were in jewellery business for the last few years and had a lot of local clientele. Thereafter, the petitioner/A.1, assuring that he would sell the jewellery to his clients and return the sale proceeds to the

de-facto complainant, took diamond jewellery etc. worth Rs.81,02,382/- on 29.01.2018. Thereafter, neither the jewellery said to have been sold nor payment was made as agreed in between the de-facto complainant and the petitioner/A.1. There is also record to show that the petitioner/A.1 got all his telephone connections disconnected and avoided communication with the de-facto complainant. Having waited for some time, the de-facto complainant lodged the subject report with the police. There is entrustment of the jewellery to the petitioner/A.1 and thereafter, evasion by the petitioner/A.1. The allegations are specific and grave. The disputed gold and diamond jewellery are not yet recovered. Custodial investigation is necessary. It is not a fit case to allow this application under Section 438 of Cr.P.C.

6. Hence, the Criminal Petition is dismissed.

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

04th April, 2019
Bvv

Dr. SHAMEEM AKTHER, J