

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.3972 of 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 is filed by the petitioners, who are A.1 and A.2, for grant of anticipatory bail in the event of their arrest in Crime No.223 of 2019 of Choutuppal Police Station, Yadadri-Bhuvanagiri (Old Nalgonda) District, registered for the offence punishable under Section 420 of IPC.

This is a case where basing on the complaint lodged by the defacto complainant about the cheating committed by the petitioners along with A.3 by taking a sum of Rs.12,00,000/- from him and by handing over a plastic cover by making him to believe that the said cover contains double the amount i.e., Rs.24,00,000/- and on opening of the said cover, he found some black cutting papers, which are in Rs.2,000/- note size and packed, the police registered Crime No.223 of 2019 for the aforesaid offence against the petitioners and other accused.

Heard learned counsel for the petitioners/A.1 and A.2 and the learned Additional Public Prosecutor appearing for the respondent State. Perused the material on record.

Learned counsel for the petitioners contends that the petitioners are innocent of the offence alleged and no material evidence is available against the petitioners. It is also contended that the allegations levelled in the FIR and the

Remand Report are all false and baseless and there is no incriminating material available against the petitioners for the aforesaid offences. It is also contended that basing on the confessional statement of A.3 only, the petitioners were falsely implicated in the above crime. It is also contended that material part of investigation has already been completed, except filing of charge sheet and the petitioners are ready to abide by any conditions imposed by this Court, including assisting the investigating agency for their release on anticipatory bail in the event of their arrest in the above crime.

On the other hand, the learned Additional Public Prosecutor vehemently opposed the relief sought in the above petition.

A perusal of the record reveals that there are specific allegations made against the petitioners and A.3 regarding cheating of the defacto complainant committed by them. Thus, in view of the specific and serious nature of allegations levelled against the petitioners, I am not inclined to grant anticipatory bail to the petitioners/A.1 and A.2. However, if the petitioners/A.1 and A.2 surrender before the Court below concerned within ten days from today and move an application for regular bail, after giving prior notice to the Public Prosecutor concerned, the said application may be considered in accordance with law.

With the above observations, the Criminal Petition is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE G. SRI DEVI

22.07.2019.
Msr



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Msr