

[3158]

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**TUESDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND NINETEEN**

:PRESENT:

**THE HONOURABLE JUSTICE G SRI DEVI
CRIMINAL PETITION NO: 4045 OF 2019**



Between:

Shashank Keshav Kalkar, S/o. Keshav Kalkar @ Kasav Kalkar

Petitioner/Accused No.2

AND

The State of Telangana, Rep, its Public Prosecutor, High Court at
Hyderabad.

Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the grounds filed in the Criminal Petition, the High Court may be pleased to direct the SHO PSCCS Team -I Hyderabad or any other arresting officer to release the petitioner/accused no.2 on bail in the event of his arrest in Crime No.91 of 2018 in the interest of justice.

Counsel for the Petitioner :SRI PRADEEP KUMAR SRIRAMBHATLA

Counsel for the Respondent :PUBLIC PROSECUTOR

ORDER

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No. 4045 of 2019

ORDER :

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.2, for grant of anticipatory bail in Crime No 91 of 2018 of CCS Police Station, Hyderabad, registered for the offences punishable under Sections 420 and 506 of IPC.

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

3. The brief facts of the prosecution case are that the accused proposed to purchase the property of the complainant by creating equitable mortgage of the said property with their bankers for grant of loan for expansion of their industry. On release of the loan amount, the accused will get the property registered by way of sale deed after paying the sale consideration. A.1 represented by the then Director issued certain cheques to the complainant. After sanctioning the loan, the equitable mortgage was created by depositing the title deed pertaining to the complainant properties. During the tenure of loan being sanctioned, the Director Prashant Gangaram expired. A.2 requested not to deposit any cheques till the end of December 2015 and promised to pay the same before the final date. In the meanwhile, A.2 had paid an amount of Rs.50,00,000/- and thereafter the accused company is avoiding to pay the balance amount as per the agreed cheque amounts.

4. Learned counsel for the petitioner submits that the entire case of the prosecution is false and misrepresentation of facts. The petitioner is innocent and falsely implicated in this case. The petitioner is one of the

Directors of A.1's company and day-to-day activities of the company are being looked after by the then Director Sri Prashanth Gangaram Desai at the time of alleged transaction and thereafter he died. The *de facto* complainant, who was one of the Directors of accused company, had already filed a private complaint for dishonour of cheques wherein he alleged that the disputed cheques were issued in connection with the said transaction. The *de facto* complainant actively participated in the affairs of the company and subsequently he resigned from the board of company and presented the signed company cheques against the petitioner and other accused to settle his old scores and to make some illegal gain. He further submits that as the alleged property is still under mortgage with the bank, the question of issuing cheques for purchase of the said property does not arise. The petitioner is permanent resident of Mumbai and is ready to abide by the conditions imposed by the Court.

5. Learned Additional Public Prosecutor representing the respondent-State opposed to grant bail to the petitioner/A.2.

6. Having regard to the nature of allegations levelled against the petitioner/A.2, this Court is inclined to grant anticipatory bail to him on some conditions.

7. Accordingly, the petitioner/A.2 is directed to surrender before the Station House Officer, CCS Police Station, Hyderabad, within a period of 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioner/A.2 on bail, on his executing personal bond for a sum of Rs.15,000/- (Rupees fifteen thousand only) with two sureties for a like sum each to his satisfaction. The petitioner/A.2 shall also abide by the conditions stipulated in Section 438(2) Cr.P.C., and shall cooperate with the investigating agency.

8. In the result, the Criminal Petition is allowed.

SD/- T.RANGA BABU
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. II Additional Chief Metropolitan Magistrate at Nampally, Hyderabad
2. The Station House Officer, C.C.S, Team-I, Hyderabad.
3. One CC to SRI. PRADEEP KUMAR SRIRAMBHATLA Advocate
[OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad.
[OUT]
5. One Spare Copy

GR

HIGH COURT

GSDJ

DATED:23/07/2019

ORDER

CRLP.No.4045 of 2019

BAIL

