

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.4283 of 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 is filed by the petitioner, who is A.1, for grant of anticipatory bail in the event of his arrest in Crime No.58 of 2019 of Narayanguda Police Station, Hyderabad, registered for the offences punishable under Sections 328 of IPC and Sections 4 and 20(2) of COTP Act and Sections 3 and 4 of Gaming Act.

The case of the prosecution is that, on 24.02.2019 the police received a complaint from Sri B. Dayaker Reddy, S.I. of Police, that he received a credible information about running of Hookah Center and three cards game at H.No.3-6-195/A, Urdu Galli, Himayathnagar, in which minors, below 19 years of age, were allowed and they were being served hookah (Tobacco Product) and floating the rules laid down and after conducting the search, the material was allegedly seized and Crime No.58 of 2019 was registered for the aforesaid offences against the petitioner/A.1 and other accused.

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

Learned counsel for the petitioner contends that the petitioner is innocent of the alleged offences and he never indulged in such kind of business and there is no evidence to

show that the petitioner had taken any premises to run such illegal hookah business. It is also contended that the police of Jubilee Hills Police Station, at the instance of higher officials, have invoked the provisions of Section 328 of IPC against the petitioner, which is non-cognizable in nature, in order to harass him and that the petitioner never committed any offence much less the offences alleged. It is also contended that the petitioner is aged about 25 years and the present complaint is filed with all false and frivolous allegations. It is further contended that the petitioner is ready to abide by any conditions imposed by this Court, including assisting the investigating agency for his release on anticipatory bail in the event of his arrest in the above crime.

On the other hand, the learned Additional Public Prosecutor vehemently opposed the relief sought in the above petition. He contended that earlier bail application filed by the petitioner was dismissed by this Court on merits vide order 18.07.2019 in Crl.P.No.3908 of 2019 and suppressing the said fact, the petitioner has filed the present application seeking anticipatory bail.

As seen from the record, there are specific allegations levelled against the petitioner that he is involved in illegal Hookah business. Further, the petitioner has filed the present application by suppressing the fact that his earlier bail application was dismissed by this Court on merits vide order 18.07.2019 in Crl.P.No.3908 of 2019 and no new ground has been raised in the present petition, hence, I am not inclined

to grant anticipatory bail to the petitioner. However, if the petitioner/A.1 surrenders before the Court below concerned within ten days from today and moves 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, this Criminal Petition is dismissed.

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

30.07.2019.
Msr

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Msr