

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.4585 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.729 of 2018 of Jubilee Hills Police Station, Hyderabad, Hyderabad District, registered for the offences punishable under Sections 328, 188 of IPC and Sections 4 and 20(2) of Cigarettes and other Tobacco Products Act, 2003.

As per the case of the prosecution, the petitioner along with other accused is illegally running Hookah Centre by flouting the rules in the name of Urban Mingle Coffee Shop. On information, the police raided the said Coffee shop and seized Hookah products and registered Crime No.729 of 2018 for the aforesaid offences against the petitioner/A.1 and others.

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 allegations levelled against the petitioner are all false and baseless and are made only to blackmail the petitioner for some unlawful gain. It is contended that the petitioner is innocent of the alleged offences and he has been falsely implicated in the above crime. It is also contended that if the

petitioner is not running the coffee business in accordance with law, the police can taken action against him, but not under Section 328 of IPC. It is also 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.

A perusal of the record reveals that specific allegations are made against the petitioner that he is running Hookah business illegally in the name of Coffee Shop. In view of the specific allegations levelled against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. However, if the petitioner/A.1 surrenders before the Court below concerned 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.

JUSTICE G. SRI DEVI

09.08.2019.
Msr

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