

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.4693 of 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 is filed by the petitioner, who is A.3, for grant of anticipatory bail in the event of his arrest in Crime No.663 of 2019 of L.B. Nagar (L & O) Police Station, Rachakonda, Ranga Reddy District, registered for the offences punishable under Sections 420 and 384 of IPC and Sections 3 and 4 of Money Lending Act.

The case of the prosecution is that A.1 along with A.2 to A.4 was doing finance business and when the complainant approached them to provide a loan of Rs.60.00 Lakhs, they initially provided Rs.3.00 Lakhs and obtained his signatures on empty non-judicial stamp papers, that later they did not provide Rs.60.00 Lakhs and when the complainant requested them to provide Rs.60.00 Lakhs and to return the documents, the accused persons postponed the issue on one pretext or other. Basing on the complaint lodged by the complainant, the police registered Crime No.663 of 2019 for the aforesaid offences against the petitioner/A.3 and other accused.

Heard learned counsel for the petitioner/A.3 and the learned Additional Public Prosecutor appearing for the respondent State. Perused the material on record.

Learned counsel for the petitioner contends that the name of the petitioner is not mentioned in the complaint and only a bald allegation is made stating that A.1 in collusion with other accused is doing money lending business. It is also contended that even if the entire allegations on the face of it are taken to be true and correct, the same do not disclose commission of the alleged offences and a reading of the contents of the complaint discloses that there is a contract between the complainant and A.1 with regard to advancement of loan amount and non-performance of a contract does not amount to cheating as alleged in the complaint. 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 opposed the relief sought in the above petition.

As seen from the contents of FIR and the Remand Report, it is clear that the petitioner also received amounts from the defacto complainant along with A.1 in order to cheat the complainant. Thus, in view of the specific nature of allegations levelled against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. However, if the petitioner/A.3 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 shall be considered in accordance with law on the same day itself.

With the above observations, this Criminal Petition is dismissed.

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

JUSTICE G. SRI DEVI

13.08.2019.
Msr



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Msr