

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.4823 of 2019

ORDER :

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 is filed by the petitioner, who is Accused, for grant of anticipatory bail in the event of his arrest in Crime No.147 of 2019 of Mattampally Police Station, Suryapet District, registered for the offences punishable under Section 406 and 420 IPC.

This is a case where the defacto complainant lodged a complainant before the police stating that though the petitioner/Accused purchased chillies from him, he did not pay the amount worth Rs.1,29,000/- and thereby cheated him. Basing on the said complaint, Crime No.147 of 2019 was registered for the aforesaid offences against the petitioner/Accused.

Heard learned counsel for the petitioner/Accused 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 and he is no way concerned with the alleged offences. It is also contended that the petitioner acted only as a mediator between the complainant and the village farmers and that he is no way concerned with the alleged transaction of sale or purchase of chillies. It is further contended that the defacto complainant bore grudge against

the petitioner and to spoil his reputation, the complainant has implicated him in the above crime. It is also contended that investigation in the above crime has already been completed and 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.

As seen from the contents of FIR, there are specific allegations made against the petitioner that he has purchased chillies from the complainant and has not paid the amount to him. 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/Accused 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

23.08.2019.
Msr

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