

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION NO. 4956 of 2019

ORDER :

1. The petitioners, who are accused Nos.2 and 3, filed the present application under Section 438 Cr.P.C. seeking release in the event of their arrest in connection with Crime No.158 of 2018 of Charminar Police Station, registered for the offences punishable under Sections 468, 471 and 420 IPC.

2. The case of the prosecution is that the petitioners representing the accused No.1 firm, fell due of Rs.4,76,860/- and interest of Rs.3,24,265/- to the *de facto* complainant for purchasing cloth material. On much persuasion, the petitioners issued two cheques, which were returned due to "insufficient funds". Subsequently, the petitioners fraudulently changed the board of the shop only to avoid payment. When the *de facto* complainant approached them, they threatened him with dire consequences. Basing on these allegations, the above case came to be registered.

3. Heard learned counsel for the petitioner and learned Additional Public Prosecutor.

4. It has been submitted by the learned counsel for the petitioners that the police are making efforts to arrest the petitioner only to facilitate the *de facto* complainant to extract the money basing on a false case filed against the petitioners. The alleged transactions are civil in nature and which are in connection with the business transactions only. It is further submitted that both the

petitioners are running enterprises/ self-employed independently and accused No.2 being owner of Manikanta Textiles and accused No.3 being owner of Ayyappa Textiles. The complaint is belated one and none of the sections are attracted. The petitioners are permanent residents of Yemmiganur Town and they are abide by the conditions imposed.

5. Learned Additional Public Prosecutor would submit that in spite of repeated requests, the petitioners are not made any attempts in repaying the amount. Hence, the petitioners are not entitled for anticipatory bail.

6. As seen from the contents of the complaint, the petitioners have paid Rs.4,48,500/- out of Rs.9,25,360/- between the period 2014 to 2015 and have not made any further payments thereafter, which clearly show that the petitioners failed to pay the amounts. In view of the default made by the petitioners, the present complaint has been filed.

7. Looking into the nature of allegations, I am not inclined to grant anticipatory bail to the petitioners. However, the petitioners are directed to surrender before the Court concerned and move bail application, in which event the same shall be considered on the same day, in accordance with law.

JUSTICE G. SRI DEVI

23.08.2019
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