

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.5151 of 2019

ORDER:

The petitioner-accused filed the present application under Section 438 of Criminal Procedure Code, seeking release in the event of his arrest in connection with Crime No.462 of 2019 of Meerpet Police Station, Pachakonda, which was registered for the offences punishable under Sections 406, 420 & 506 IPC.

2. The allegation against the petitioner/ accused is that he being the elder son of the defacto complainant harassing her to transfer the entire property in his name and also withdrawn an amount of Rs.30,00,000/- from her account without intimation and not repaying the amount and threatening her with dire consequences and abusing her in filthy language.

3. It is submitted by the learned counsel for the petitioner/ accused that the petitioner is innocent of the alleged offence and he has been falsely implicated. It is further submitted that the prosecution failed to see that the complainant in her complaint stated that she is illiterate and she signed in English in the complaint. It is further submitted that prosecution ought to have seen that the allegation against the petitioner is that he is drawing the amount from the complainant's account since 2010, but no complaint whatsoever was lodged by the complainant though she has knowledge about the withdrawal of the amount by the petitioner. It is further submitted that the prosecution has failed to see that the petitioner got married, which is a love marriage, against the wish of the complainant. It is also submitted that the petitioner has never threatened the defacto complainant or abused in filthy language, only because of the civil

dispute with regard to the property of his share present false case has been foisted against the petitioner. It is also submitted that the petitioner would suffer irreparable loss and hardship in case of his arrest and sent to judicial custody and willing to furnish suitable security and ready to abide by any conditions imposed by this Court and would cooperate with the investigation, if he released on anticipatory bail in the event of his arrest in connection with the aforesaid crime.

4. Learned Additional Public Prosecutor vehemently opposed the bail application and earlier also the petitioner filed the petition and he is directed to deposit the money, but he has not deposited the amount.

5. As seen from the contents of the FIR, there are specific allegations levelled by the defacto complainant, who is mother of the petitioner, that the petitioner has withdrawn an amount of Rs.30,00,000/- till now from the joint account and when he was asked about said amount in the police station, he has requested his mother not to file any case otherwise he threatened her to commit suicide and also assured that he will not commit such sort of mistakes in future, for which she has not filed any case at that stage, but subsequently after coming out of the police station he has refused to compromise the matter and threatened her with dire consequences and also refused to return the amount. He has also threatened that he will demolish the house and also threatened to grab the land belonging to the younger son of the defacto complainant also. Thus, there are specific allegations against the petitioner.

6. Looking into the nature of allegations and the other facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner/ accused.

7. Accordingly, the Criminal Petition is dismissed.

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

28.08.2019
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