

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.5461 of 2019

ORDER:

The petitioner-accused No.2 filed the present application under Section 438 of Criminal Procedure Code, seeking release in the event of his arrest in connection with Crime No.357 of 2019 of Chandanagar Police Station, Cyberabad, which was registered for the offences punishable under Sections 406 & 420 IPC.

2. The allegation against the petitioner-accused No.2 is that he being the younger brother of accused No.1 assisted him in cheating the victim and several other customers.

3. It is submitted by the learned counsel for the petitioner-accused No.2 that police have registered the crime against the petitioner and the petitioner denies the story of the prosecution and that of the defacto complainant in toto. It is further submitted that defacto complainant is trying to give civil dispute the colour of criminal flavour, which is not permissible according to law and the petitioner has been falsely roped under the confessional statement of accused No.1. It is also submitted that the petitioner is law abiding citizen 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.

5. As seen from the contents of the FIR that accused No.1 used the company's name of the defacto complainant and sold the machines to the customers. During the course of investigation, A1 has confessed

that he used to do marketing in Delhi, Kolkatta, Madras, Chattisgarh and also in different parts of the country and used the lure the customers who are in need of machineries saying that the proprietor of the company is his brother i.e., present petitioner and on that pretext made to believe them and used to get his commission and by cheating the proprietor, he has sold machines to different customers. Thus, there are specific allegations against the petitioner that the present petitioner acts in conspiracy with A1 to sell the machinery and sold the machinery to the customers. Thus, looking into the nature of allegations, I am not inclined to grant anticipatory bail to the petitioner-accused No.2.

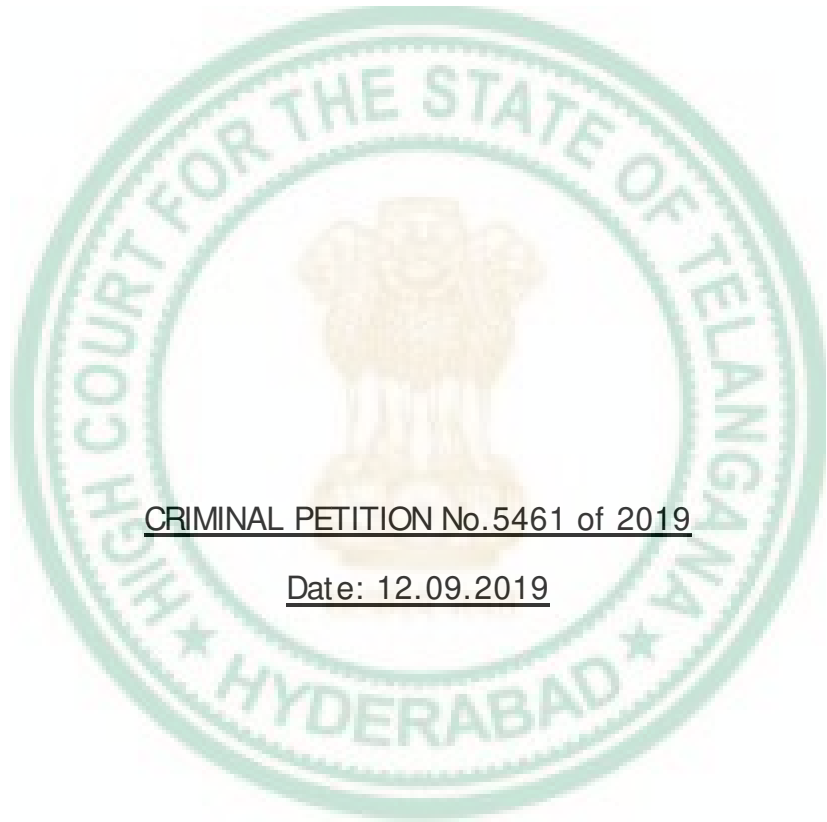
6. Accordingly, the Criminal Petition is dismissed.

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

12.09.2019
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Date: 12.09.2019

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