

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.5485 of 2019

ORDER:

This Criminal Petition under Section 438 of Cr.P.C. seeking anticipatory bail, is filed by the petitioners, who are Accused Nos.1 and 2 in Cr.No.476 of 2019 on the file of the Station House Officer, Kushaiguda Police Station, Rachakonda, registered for offences punishable under Sections 406, 417, 420, 449, 452 and 506 IPC.

The case of the prosecution is that the complainant on 04.04.2018 gave hand loan of 10lakhs to the A.1 on his promise to repay it before 25.06.2018 but failed to repay. On demand by the defacto-complainant, the A.1 issued two cheques for the amount of 6 lakhs and 4 lakhs, dated 21.06.2018 and the cheques when deposited, they were bounced on the reason of funds insufficient. In spite of issuance of notice, both the A.1 and A.2 requested some time but failed to repay and on 07.06.2019 both the accused abused the complainant in filthy language over phone and threatened with dire consequences.

Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for respondent State. Perused the material on record.

Learned counsel for the petitioner contends that the allegations leveled against them are false. They did not harass the petitioner at any time. The A.2 who is friend of the A.1

also paid an amount of 3 lakhs to the defacto-complainant on behalf of the A.1 in the presence of the police, Medchal. The defacto-complainant in collusion with the police, converted the offence under Section 138 of the Negotiable Instruments Act in to criminal offences. The petitioners are innocent of the offences. They are residing at Medchal temporarily and having fixed assets and there is no question of absconding or tampering the witnesses. It is submitted that they are ready to abide by any of the conditions imposed by this Court and would cooperate with the investigation, if they are released on anticipatory bail in the event of their arrest in connection with the aforesaid crime.

On the other hand, the learned Additional Public Prosecutor opposed the relief sought in the above petition.

Looking into the nature of the allegations and facts and circumstances of the case, there are specific allegations against the petitioners in the complaint and the investigation is still to go on to know the truth. I am not inclined to grant anticipatory bail to the petitioner.

In the result, the criminal petition is dismissed.

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

JUSTICE G. SRI DEVI

17.09.2019.

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