

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.5723 of 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by petitioner/accused, seeking to grant anticipatory bail in Cr.No.54 of 2017 on the file of Narayanguda Police Station, Hyderabad District, registered for the offences under Sections 406 and 420 IPC.

2. Heard learned counsel for the petitioner/accused, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. It is alleged in the complaint that the de-facto complainant had invested an amount of Rs.34 lakhs on different dates from the year 2006 to 2008 to get benefits in M/s. Prestige Avenues Limited (Real Estate Builders & Developers), Himayathnagar, Hyderabad. The petitioner is the Managing Director of the said company. Though the company had made entries of interest in his account maintained by it, the company was not paying interest. When the de-facto complainant demanded to return his money, the petitioner gave four cheques on different dates and when he presented those cheques, they were dishonored for the reason 'account is not dormant stage' and thereby the accused cheated him.

4. Learned counsel for the petitioner/accused submits that the petitioner is not enjoying any post in the company and he is no way connected with the alleged offences as he has not received any amount directly and indirectly from the de-facto complainant and that the ingredients of the report are civil in nature. He further submits

that the de-facto complainant ransacked into the office premises and collected the available cheques with a threat to make a false complaint against the petitioner and that there is no sufficient material or active connivance of the petitioner in the alleged crime and that the individual report filed by de-facto complainant has no legal sanctity. He also submits that the petitioner will abide by the conditions imposed by this Court.

5. As seen from the contents of the FIR, the petitioner has received amounts from the de-facto complainant on behalf of M/s.Prestige Avenues Limited(Real Estate Builders & Developers) in the capacity of its Managing Director, but he has not paid interest to the de-facto complainant, and on demand, the petitioner issued four cheques in favour of the de-facto complainant, who in turn presented those cheques and they were dishonored. Since huge amount of public money is involved in the business of the accused company, I am not inclined to grant anticipatory bail to the petitioner/accused and his prayer for anticipatory bail is refused.

6. Accordingly, the Criminal Petition is dismissed.

7. Miscellaneous applications, if any pending in this criminal petition, shall stand dismissed.

G. SRI DEVI, J

19th September, 2019

sj