

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.6399 of 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by petitioner/A2, seeking to grant anticipatory bail in Cr.No.180 of 2019 on the file of Mahankali Police Station, Hyderabad District, registered for the offences under Sections 406 and 420 IPC.

2. Heard learned counsel for the petitioner/A2, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. It is alleged in the complaint that on 20.09.2019 at about 2.30 PM, A1 came to the shop of the de-facto complainant and stated that himself and A2 were required 100 Desktops of HP and Dell make, for their business in Srinivasa Computers, and he paid token advance of Rs.8,50,000/- with a promise to pay the balance amount of Rs.22,00,000/- after delivery of the material, and that at about 7.30 PM, the de-facto complainant handed over the material to the workers of A1 and A2, but they failed to pay the remaining balance amount and requested one week time, however, even after several demands, they did not pay the said amount, thereby cheated him.

4. Learned counsel for the petitioner/A2 submits that even as per the complaint, the advance amount was paid by A1 and the petitioner/A2 has nothing to do with the alleged transaction between A1 and the de-facto complainant and as such, he did not make any

inducement to the de-facto complainant. He further submits that A1 is an independent dealer of Computers and has a shop at Bowenpally, whereas A2 has separate business at Secunderabad. He further submits that there is no privity of contract between the petitioner and the de-facto complainant and that the de-facto complainant did not place any purchase order, invoice or GST payments with regard to the alleged transaction. He further submits that the petitioner shall abide by any condition imposed by this Court.

5. In view of the nature of allegations leveled against the petitioner/A2 that himself and A1 had purchased computers for their business in Srinivasa Computers, from the de-facto complainant, by paying advance amount of Rs.8,50,000/-, but failed to pay the balance amount of Rs.22,00,000/-, I am not inclined to grant anticipatory bail to the petitioner/A2 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.

24th October, 2019

sj

G. SRI DEVI, J