

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.6522 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.449 of 2019 on the file of Panjagutta Police Station, Hyderabad District, registered for the offences under Sections 406, 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 the de-facto complainant took see food franchise from the Proprietor of Hylesa Sea Foods i.e., A1, and his counter part Kalyan i.e., A2, gave advertisement for franchise and that the de-facto complainant took Tarnaka area and paid an amount of Rs.2,05,000/- and also took a shop on monthly rent of Rs.15,000/-by paying advance of Rs.70,000/-, but the accused did not start any business even after three months. Thereafter, the said office was closed and the accused fled away with the money, thereby cheated the de-facto complainant.

4. Learned counsel for the petitioner/A2 submits that allegations in the complaint do not constitute the alleged offences as they are false and frivolous and that the petitioner/A2 is only an employee of the Hylesa Sea Foods, working under A1, on monthly salary basis. He further submits that there is no material to include the petitioner

in the array of the accused, except the oral statement. He further submits that the petitioner is a law abiding citizen and has permanent resident at Warangal and there are no criminal antecedents against him in the past and therefore, the question of absconding does not arise. He further submits that the petitioner shall cooperate with the investigating agency and abide by any condition imposed by this Court.

5. As seen from the contents of the complaint that there are specific allegations against the petitioner and the other accused that they induced the de-facto complainant and others to make payments in Hylesa Sea Foods and collected huge amounts from them and that no cogent reasons whatsoever have been given by the petitioner with regard to deposit of the amount by the de-facto complainant in the said franchise and the profits, as promised, have not been given to him. Thus, in view of the nature of allegations leveled against the petitioner/A2, I am not inclined to grant anticipatory bail to him 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

G. SRI DEVI, J

sj