

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.6853 OF 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C'), is filed by the petitioners/Accused Nos.1 and 2 for grant of anticipatory bail in the event of their arrest in connection with Crime No.146 of 2019 of Mahankali Police Station, Hyderabad.

2. Heard the learned counsel for the petitioners/Accused Nos.1 and 2 and the learned Additional Public Prosecutor representing the respondent/State. Perused the record.

3. The allegations in the private complaint would go to show that the complainant and petitioner No.1 is known with each other. The complainant is running jewelry shop under the name and style of M/s. Amar Sons Pearls and Jewels; that due to the said acquaintance, on 21.07.2017 the complainant lend gold items worth Rs.34,34,909/- on credit basis to petitioner No.1, who promised her to pay the amount on or before 01.04.2018. It is further stated that the payment for purchase of gold items on 21.07.2017, petitioner No.1 issued four postdated cheques to the complainant and when the said cheques were presented in the bank, the same were dishonoured with an endorsement "insufficient funds". Petitioner No.2 is none other than husband of petitioner No.1, who requested the complainant that for discharge of liability owe to him, he is transferring share certificates of various companies and belongings of the petitioners. It is further stated that surprisingly the complainant came to know that the petitioners already issued a letter to the authorities concerned not

to transfer the shares to any third parties and thereby cheated the complainant for the alleged offences.

4. Learned counsel for the petitioners would submit that the complainant without filing any supporting document, filed the private complaint against the petitioners with false and baseless allegations; that the preset complaint was lodged with ill-motive; that the allegations levelled against the petitioners are false and created for the purpose of this case and hence, he prays to grant bail to the petitioners.

5. Learned Additional Public Prosecutor opposed the grant of the bail to the petitioners/accused Nos.1 and 2.

6. As seen from the allegations in the complaint, there are specific allegations against the petitioners that petitioner No.1 had taken gold items on credit basis to a tune of Rs.3,34,909/- and subsequently the petitioners issued four cheques and when the said cheques were presented in the bank for realization, the same were returned with an endorsement "insufficient funds". Further, both the petitioners jointly deceived the complainant by fraudulent intention and thereby committed the alleged offences.

7. Thus, looking into the nature of allegations levelled against the petitioners and involvement of the petitioners in the commission of offence, I am not inclined to grant bail to the petitioners. Therefore, the prayer for Anticipatory Bail is dismissed.

8. Accordingly, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this petition shall stand closed.

JUSTICE G SRI DEVI

6th November, 2019
YVL



THE HONOURABLE JUSTICE G. SRI DEVI



CRIMINAL PETITION No.6853 OF 2019

Date:06.11.2019

YVL