

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION NO.7390 OF 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (Cr.P.C.), is filed by the petitioner/A-5, for grant of anticipatory bail in Crime No.307 of 2019 of P.S. RGI Airport, Cyberabad District, registered for the offence punishable under Section 420 of the Indian Penal Code.

Heard the learned counsel for the petitioner/A-5, the learned Additional Public Prosecutor representing the respondent-State and perused the record.

In the FIR, it is *inter alia* stated that the *de facto* complainant lodged complaint on 28.06.2019 stating that A-1 is a close friend of him for the past four years, that A-1 introduced A-2 to A-4 to him and on getting close, the accused entered into the business of purchase of gold at lower price and disposing at higher price and in that process, the *de facto* complainant paid Rs.1,20,00,000/- to A-1 to A-5 but subsequently the accused did not come in contact with him. Hence, the complaint.

Learned counsel for the petitioner/A-5 would submit that a plain reading of the complaint shows that since inception to conclusion, there is no mention about the name of the petitioner/A-5. It is further submitted that though it is alleged that the *de facto* complainant paid certain amounts to the accused, there is no evidence of such payment. Further, there is no whisper in the entire complaint that the petitioner/A-5 has had any hand in glove with the other accused. It is further submitted that the petitioner/A-5 hails from a respected family, he is the sole bread-

winner of his family consisting age old parents, wife and children and is ready to co-operate with the police for investigation and that he is ready to face the trial. Hence, he prays to grant anticipatory bail to the petitioner/A-5 by imposing any condition this Court deems fit and the same shall be obliged by the petitioner/A-5.

Learned Additional Public Prosecutor representing the respondent-State opposed to grant anticipatory bail to the petitioner/A-5.

As seen from the contents of the F.I.R., there are specific allegations against the petitioner/A-5 that he himself along with other accused collected Rs.1,20,00,000/- from the *de facto* complainant at Kakinada, Bhuvaneswar, Gaganpahad, Rajendranagar and Shamshabad.

Having regard to the facts and circumstances of the case, nature and gravity of the offence, this Court is not inclined to grant anticipatory bail to the petitioner/A-5.

The Criminal Petition is, accordingly, dismissed.

Miscellaneous applications, if any, pending shall stand dismissed.

(G. SRI DEVI, J)

2nd December 2019
RRB