

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.7422 of 2019

ORDER :

This Criminal Petition under Section 438 of Cr.P.C. is filed by the petitioner/A2, seeking anticipatory bail in Crime No.969 of 2019 on the file of the S.H.O., Banjara Hills Police Station, Hyderabad, registered for the offences punishable under Sections 420 and 406 IPC.

2. Heard learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for respondent-State.

3. The case of the prosecution is that on 07.09.2018 in the presence of both Mirza Sanaulla Baig and Md.Ishaq (A1 and A2), the complainant made one agreement relating to buying of Innova vehicle bearing No. AP 09 TB 0404 for an amount of Rs.6,70,000/- and paid Rs.3 lakhs to the petitioner and the remaining amount of Rs.3,70,000/- will be paid after taking NOC certificate. On 05.09.2019, the petitioner took his vehicle to go to Secunderabad and in spite of making phone calls, he is prolonging to return the vehicle. Later Mirza Sanaulla Baig (A1) had made a call to the complainant stating that the car is with the petitioner. When the complainant made a call to the petitioner, the petitioner is not lifting the phone. Hence, he lodged a complaint with police, basing on which, this crime is registered.

4. Learned counsel for the petitioner submits that the allegations of the complainant that he had paid an amount of Rs.3 lakhs as advance and the remaining amount after taking NOC are all false and baseless allegations against the petitioner. He further submits that the petitioner neither received any amount from the complainant nor entered any sort of agreement with the de facto complainant and only with an oblique motive to harass the petitioner and to gain monetary benefits, the present case is foisted. He further submits that the petitioner is only a driver and he has nothing to do with the vehicle and the owner of the vehicle is Mirza Sanaulla Baig. He further submits that the police are making hectic attempts to arrest the petitioner. The petitioner hails from respectable family and the petitioner has no criminal antecedents. He further submits that the petitioner has got fixed abode and he is ready to abide by any of the conditions imposed by this Court and he is ready to furnish sufficient sureties to the satisfaction of the Court and hence, he prays to grant anticipatory bail to the petitioner.

5. On the other hand, the learned Additional Public Prosecutor representing the State vehemently opposed the bail application.

6. As seen from the contents of F.I.R., there are specific allegations against the petitioner that for purchase

of Innova vehicle bearing No. AP 09 TB 0404 for an amount of Rs.6,70,000/-, the complainant has paid Rs.3 lakhs to the present petitioner and the remaining amount of Rs.3,70,000/- shall be paid after taking NOC. Thereafter, the complainant made several phone calls, but the petitioner prolonged to return the vehicle and subsequently, A1 made a call to the complainant stating that the car is lying with the petitioner.

7. Thus, looking into the nature of allegations made against the petitioner and also keeping in view the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the Criminal Petition is dismissed. However, if the petitioner-A2 surrenders before the concerned Court within 15 days from today and files bail application after giving due notice to the Public Prosecutor, the same may be considered in accordance with law. Miscellaneous petitions, if any pending, shall stand closed.

DATED: 26.11.2019.
Hsd

JUSTICE G. SRI DEVI

