

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE TWENTY SIXTH DAY OF DECEMBER
TWO THOUSAND AND NINETEEN**

**:PRESENT:
THE HON'BLE JUSTICE G.SRI DEVI ✓
CRIMINAL PETITION NO: 8234 OF 2019 ✓**

Between:
Paka Ravinder, S/o. Late Govind,

Petitioner/Accused

AND

The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana, at
Hyderabad.

Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the
petition and the grounds filed therein, the High Court may be pleased to release the petitioner on
bail in event of his arrest in Crime No.320 of 2019 on the file of the Matwada Police Station,
Warangal District;

**Counsel for the Petitioner : SRI A.PRABHAKAR RAO ✓
Counsel for the Respondent : ADDL. PUBLIC PROSECUTOR ✓**

The Court made the following:

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.8234 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 petitioner/accused for grant of anticipatory bail in the event of his arrest in connection with Crime No.320 of 2019 of Matwada Police Station, Warangal Commissionerate.

2. Heard learned counsel for the petitioner/accused and the learned Additional Public Prosecutor representing the respondent/State. Perused the record.

3. The allegations in the complaint would go to show that the petitioner, who is owner and possessor of the subject land, intended to sell the same in favour of the complainant, for which negotiations takes place and executed an agreement of sale in the name of the complainant for a total sale consideration of Rs.10,90,000/- and later the petitioner executed a registered sale deed as per the wish of the complainant. Thereafter, the complainant got registered the said property in favour of his sister. It is stated that when construction was going on in the subject land, some unknown persons came and resisted the complainant informing that the said property belongs to them. When the said fact informed to the petitioner, he promised to settle the issue and thereafter, the petitioner did not turn up and later the petitioner got issued post dated cheque for the afore-said amount, which was dishonoured for different reasons. Thereafter, the complainant lodged the present complaint against the petitioner for cheating.

4. Learned counsel for the petitioner/accused would submit that the complainant already initiated proceedings under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the Act') against the petitioner for dishonour of the cheque, dated 18.03.2019 for Rs.11,00,000/-; that failure to pay the amount covered by cheque does not amount to an offence punishable under Section 420 I.P.C; that the complainant, instead of initiating proceedings under the code of Civil Procedure for recovery of amount, filed a private complaint to put pressure on the petitioner and to harass him and ultimately prayed to grant anticipatory bail to the petitioner.

5. Learned Additional Public Prosecutor opposed the grant of the bail to the petitioner/accused.

6. Thus, looking into the nature of allegations levelled against the petitioner, other facts and circumstances of the case, and since the complainant has already initiated proceedings under Section 138 of the Act against the petitioner for recovery of cheque amount, this Court is inclined to grant bail to the petitioner/accused under Section 438 Cr.P.C on some conditions.

7. Accordingly, the petitioner/accused is directed to surrender before the Station House Officer, Matwada Police Station, Warangal Commissionerate, within a period of 15 days from today. On such surrender, the Station House Officer, Matwada Police Station, Warangal Commissionerate, shall release the petitioner on bail on his executing a personal bond for a sum of Rs.15,000/- (Rupees

Fifteen Thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer. On such release, the petitioner/accused shall attend before the said Station House Officer on every Saturday between 10:00 AM and 6:00 PM till completion of investigation and shall abide by the conditions stipulated in Section 438 (2) Cr.P.C and co-operate with the Investigation Officer in concluding investigation.

8. Accordingly, the Criminal Petition is allowed.

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

//TRUE COPY//

SD/- CH. VENKATESHWAR
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The III Addl. Sessions Judge, Warangal.
2. The VI Addl. Judicial First Class Magistrate, Warangal.
3. The Station House Officer, Matwada Police Station, Warangal District.
4. Two CCs to Public Prosecutor, High Court of Telangana, at Hyderabad (OUT)
5. one CC to Sri A.Prabhakar Rao, Advocate (OPUC)
6. One Spare copy

HIGH COURT

GSD,J

DATE: 26-12-2019

ORDER

CRL.P. NO. 8234 OF 2019

PETITION ALLOWED

