

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.1477 of 2020

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by petitioners/A1 and A5, seeking to grant anticipatory bail to them in Cr.No.19 of 2020 on the file of Central Crime Station, Hyderabad, registered for the offence under Section 420 IPC.

2. Heard learned counsel for the petitioners/A1 and A5, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The case of the prosecution is that due to acquaintance in jewellery business, A1 and other accused induced the de-facto complainant to give pure silver of 700 kgs for running their business, and accordingly, the de-facto complainant delivered 700 kgs of pure silver to A1, who in turn acknowledged receipt-cum-undertaking and assured the de-facto complainant that if he failed to pay the amount on or before 01.11.2019, he will give 100 kgs of pure silver in addition to the above quantity. However, instead of redelivering the silver, A1 issued a legal notice on 22.10.2019 through his counsel stating that he had not taken 700 kgs of silver and demanding the de-facto complainant to deliver 700 kgs of pure silver, thereby cheated him.

4. Learned counsel for the petitioners/A1 and A5 submits that the allegations mentioned against the petitioners are false and baseless and the present complaint is lodged in order to blackmail them for unlawful gain. He further submits that since the de-facto complainant

failed to deliver silver as agreed, the petitioner/A1 issued a legal notice dated 22.10.2019 demanding to deliver 700 kgs of pure silver. He further submits that the subject matter is pending before a civil Court and the present complaint is nothing but an abuse of process of law. He further submits that the petitioners are law abiding citizens and they shall abide by any condition imposed by this Court.

5. Learned Additional Public Prosecutor opposed the relief sought in the petition.

6. As seen from the contents of the FIR, there are specific allegations against the petitioners/A1 and A5 that they approached the de-facto complainant and induced to give pure silver of 700 kgs for their urgent business and that the accused also acknowledged receipt of said silver, but they did not return the same to him. Thus, in view of the nature of allegations leveled against the petitioners/A1 and A5 and other facts and circumstances, I am not inclined to grant anticipatory bail to them and their prayer for anticipatory bail is refused. However, if the petitioners/A1 and A5 surrender before the trial Court within 10 days from today and file an application for bail, the trial Court may consider the same in accordance with law.

7. With the above directions, the Criminal Petition is dismissed.

8. Miscellaneous applications, if any pending in this criminal petition, shall stand dismissed.

G. SRI DEVI, J

10th March, 2020

sj