

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.8127 of 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by petitioner/A2, seeking to grant anticipatory bail to him in Cr.No.210 of 2019 on the file of Central Crime Station, Hyderabad, registered for the offence under Section 420 read with Section 34 IPC.

2. Heard learned counsel for the petitioner/A2, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The case of the prosecution is that A1 to A4 induced the de-facto complainant that they are owners of the building situated at Ranganathan Street, T. Nagar, Chennai, with clear and valid title and on believing their words, the de-facto complainant had entered into lease agreement dated 07.08.2019 at Hyderabad, for running a shopping mall at Chennai, for a period of 20 years for Rs.8.8 crores, as refundable security deposit, but the accused failed to handover the building and encashing the second stage cheques. When the de-facto complainant approached them over phone, they did not respond and when he visited their house, it was locked. Later, he came to know that the said building was mortgaged in a Bank and a loan is in default position. Further, A3 and A4 also took an amount of Rs.4 lakhs from the de-facto complainant to arrange a shed and kitchen on terrace. Thus, all the accused cheated the de-facto complainant to the tune of Rs.3 crores.

4. Learned counsel for the petitioner/A2 submits that the petitioner is innocent of the alleged offences and a false complainant

is filed against him in order to harass him. He further submits that the case is purely civil in nature as the accused had valid and clear title over the property and that the de-facto complainant failed to discharge his part of the contract. He further submits that the petitioner/A2 has no role in the crime except the allegation that himself and A1 alleged to have contacted the de-facto complainant about lease of the building and that he shall abide by any condition imposed by this Court.

5. Learned Additional Public Prosecutor vehemently opposed the relief sought in the petition and submits that the petitioner along with the other accused had cheated the de-facto complainant by collecting crores of rupees under the garb of handing over physical possession of the building.

6. In view of the nature of allegations leveled against the petitioner/A2 and his involvement in commission of the crime I am not inclined to grant anticipatory bail to him and his prayer for anticipatory bail is refused.

7. Hence, the Criminal Petition is dismissed.

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

G. SRI DEVI, J

2nd March, 2020.

sj