

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND TWENTY ONE

:PRESENT:
THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL PETITION NO: 6434 OF 2021

Between:

Smt. Sonali Ahuja, W/o. Navdeep Ahuja

Petitioner/Accused No.1

AND

1. The State of Telangana, High Court of Telangana, through PS, CCS, Hyderabad, Rep. by Public Prosecutor High Court of Telangana.
2. Navdeep Ahuja, S/o. Satish Ahuja, R/o. H.No. 4-1-970, Ahuja Estates, Abids Road, Hyderabad.
(R2 is impleaded as per Court order dated 25-08-201 in IA. No.1 of 2021 in CrI.P. No.6434 of 2021)

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 grant anticipatory bail to the Petitioner/Accused No.1 and may direct the SHO, CCS, Hyderabad to release her on bail in the event of her arrest in Crime No. 34 of 2020 on such condition or conditions as this Hon'ble Court may deem fit and proper.

The petition coming on for hearing, upon perusing the Petition and the grounds filed therein, and upon hearing the arguments of Sri Anil Prasad Tiwari, Advocate for the Petitioner, and of the Asst. Public Prosecutor, for the Respondent No.1, and of Sri P.Vidhyadhar Goud, Advocate for the Respondent No.2, the Court made the following.

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.6434 of 2021

ORDER:

The Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A1 seeking to grant anticipatory bail in the event of her arrest in connection with Crime No.34 of 2020 on the file of Central Crime Station, Hyderabad, registered for the offences under Sections 420 and 406 IPC.

2. Heard learned counsel appearing for the petitioner/A1, learned Assistant Public Prosecutor appearing for the respondent-State and perused the record.

3. The prosecution case is that the de-facto complainant being husband of petitioner/A1 has joined as 1/3rd partner in M/s.Yuva Fashion belongs to petitioner, but during the course of business, she had illegally routing and siphoning off the funds of complainant's firm into the personal Bank accounts of her parents and sister and misappropriated a sum of Rs.1.4 Crores.

4. Learned counsel for the petitioner/A1 would submit that the petitioner and the de-facto complainant got married to each other on 29.11.2004 at New Delhi as per Hindu Rites and Ceremonies and thereafter, due to matrimonial disputes, A1 was forced to leave her matrimonial house and that in order to harass her, her husband filed a false case against her and her family members. He would also submit that the petitioner is not having any criminal antecedents prior to the alleged occurrence and she is a law abiding citizen and ready

to abide by any condition that may be imposed in the event of her enlargement on anticipatory bail.

5. Learned Assistant Public Prosecutor opposed to grant anticipatory bail to the petitioner.

6. A perusal of the FIR and other material papers available on record, it seems the petitioner/A1 and the de-facto complainant are wife and husband and that there are case and counter cases pending against each other before the Courts at New Delhi as well as Hyderabad. However, a perusal of the material papers would show that after filing of a Transfer Petition (civil) No.641 of 2021 before the Honourable Supreme Court, by petitioner/A1, the de-facto complainant has lodged the present complaint as counterblast. The Honourable Supreme Court was pleased to grant stay of all further proceedings in O.P.No.1149 of 2020 filed by the de-facto complainant for divorce before the Family Court, Hyderabad. Thus, looking into the nature of allegations leveled against the petitioner and other facts and circumstances, particularly, pendency of cases against each other, without delving into the merits of the matter, I am inclined to grant anticipatory bail to the petitioner/A1.

7. Accordingly, the Criminal Petition is allowed and the petitioner/A1 is granted anticipatory bail subject to the following terms and conditions:

- (i) The petitioner/A1 is directed to surrender before the Station House Officer, Central Crime Station, Hyderabad, within a period of 15 days from today, and on such surrender, the said Station House Officer shall release the petitioner/A1 on bail on her

executing a personal bond to the tune of Rs.50,000/- (Rupees fifty thousand only) with two sureties, out of which one surety shall be from her native place, to the like amount each to his satisfaction.

- (ii) On such release, the petitioner/A1 shall appear before the Investigating Officer as and when required for the purpose of investigation and she shall cooperate with the investigation.
- (iii) The petitioner/A1 shall comply with the conditions as laid down under Section 438 (2) of Cr.P.C.

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

//TRUE COPY//

SD/- B. SATYAVATHI
ASSISTANT REGISTRAR

Ch
SECTION OFFICER

To,

1. The V Addl. Metropolitan Sessions Judge, Hyderabad.
2. The XII Addl. Chief Metropolitan Magistrate, Nampally, Hyderabad.
3. The Station House Officer, Central Crime Station, Hyderabad.
4. Two CCs to Public Prosecutor, High Court of Telangana, at Hyderabad (OUT)
5. one CC to Sri Anil Prasad Tiwari, Advocate (OPUC)
6. one Spare Copy

HIGH COURT

GSD,J

DATE: 25-08-2021

ORDER

CRL.P. NO. 6434 OF 2021

PETITION ALLOWED

