

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY ONE

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

CRIMINAL PETITION NO: 7137 OF 2021

Between:

1. Maddila Srinivasu, S/o. Maddila Kappu Swamy Naidu,
2. Maddila Sai Kiran, S/o. Shree Jayanthi Nivas,

Petitioners/Accused No. 1 & 2

AND

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

Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the affidavit filed in support of the CriminalPetition, the High Court may be pleased to grant Anticipatory Bail to the Petitioners / Accused 1 and 2 thereby directing the Police Station Mushirabad, Hyderabad, to enlarge the Petitioners on bail, in the event of their arrest in Crime No. 305 of 2021 on the file of Mushirabad Police Station, Hyderabad, in the interest of justice;

The petition coming on for hearing, upon perusing the Petition and the grounds filed therein, and upon hearing the arguments of Sri M.A.Mujeeb, Advocate for the Petitioners, and of the Asst. Public Prosecutor, for the Respondent, the Court made the following,

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.7137 of 2021

ORDER:

The Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A1 and A2 seeking to grant anticipatory bail in the event of their arrest in Cr.No.305 of 2021 on the file of Mushirabad Police Station, Hyderabad District, registered for the offences under Sections 406, 420, 506, 120-B IPC and under Section 156(3) Cr.P.C.

2. Heard learned counsel appearing for the petitioners/A1 and A2, learned Assistant Public Prosecutor appearing for the respondent-State and perused the record.

3. The prosecution case is that during the course of business transaction and regarding purchase of UV Coating Machine, the de-facto complainant has transferred an amount of Rs.10 lakhs through his Bank to A1 on 09.12.2020, and on demand, he has transferred the balance amount of Rs.11 lakhs to the account of A2 on 15.12.2020 and also Rs.6 lakhs and Rs.5 lakhs on different dates, later on enquiry, he came to know that the accused are cheaters and they have not paid any amount to him.

4. Learned counsel for the petitioners/A1 and A2 would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the contents of the complaint do not make out any *prima facie* case against the petitioners and that though the de-facto complainant had

earlier filed a complaint against them, after preliminary investigation, no case was registered against them and again, this false complaint is filed in order to harass them. He would also submit that the petitioners are law abiding citizens and ready to abide by any condition that may be imposed in the event of their enlargement on anticipatory bail.

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

6. The present complaint has been registered basing on a private complaint referred by the police under Section 156(3) Cr.P.C., and it is stated that though the *de-facto* complaint lodged a complaint initially before the police, after preliminary investigation, no case was registered against them. However, subsequently, on the self-same allegations, the present private complaint is filed against the petitioners. Thus, looking into the nature of allegations leveled against the petitioners and other facts and circumstances and as the petitioners are not having any criminal antecedents prior to the alleged occurrence, without delving into the merits of the matter, I am inclined to grant anticipatory bail to the petitioners/A1 and A2.

7. Accordingly, the Criminal Petition is allowed and the petitioners/A1 and A2 are granted anticipatory bail subject to the following terms and conditions:

- (i) The petitioners/A1 and A2 are directed to surrender before the Station House Officer, Mushirabad Police Station, Hyderabad District, within a period of 15 days from today, and on such surrender, the said

Station House Officer shall release the petitioners/A1 and A2 on bail on their executing a personal bond to the tune of Rs.15,000/- (Rupees fifteen thousand only) each with two sureties to the like amount each to his satisfaction.

- (ii) On such release, the petitioners/A1 and A2 shall personally appear before the Investigating Officer on every 2nd Saturday between 10.00 AM and 5.00 P.M., till completion of the investigation and filing of the charge sheet.
- (iii) Petitioners/A1 and A2 shall not indulge in any similar type of activities in future. If they are indulged in similar type of activities in future, liberty granted to them shall stand cancelled automatically.
- (iv) Petitioners/A1 and A2 shall comply with the conditions as laid down under Section 438 (2) of Cr.P.C. and they shall cooperate with the investigation.

SD/- K. SHYLESHI
Assistant Registrar

//TRUE COPY//

SECTION OFFICER

To,

1. The XVII Additional Chief Metropolitan Magistrate, Hyderabad
2. The Station House Officer, Mushirabad Police Station, Hyderabad.
3. Two CCs to Public Prosecutor, High Court of Telangana, at Hyderabad (OUT)
4. one CC to Sri M.A.Mujeeb, Advocate (OPUC)
5. one Spare Copy

HIGH COURT

GSD,J

DATE: 27-10-2021

ORDER

CRL.P. NO. 7137 OF 2021

PETITION ALLOWED

