

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER
CRIMINAL PETITION NO: 7476 OF 2021

Between:

1. Smt. Radha Shekar, W/o Shekar
2. C. S. Aditya, S/o Shekar

Petitioners/Accused No. 2 & 3

AND

The State of Telangana, Rep. by its Public Prosecutor, Through SHO, Banjara Hills
Police Station, Hyderabad.

Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the grounds filed in the Criminal Petition, the High Court may be pleased to enlarge the Petitioners on bail in the event of their arrest in FIR No. 526 of 2021 of Banjara Hills Police Station, Hyderabad

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of SRI B.ADINARAYANA RAO, learned Senior Counsel appearing for SRI ALLAM RAMESH Advocate for the Petitioners and Assistant Public Prosecutor for the Sole Respondent, the Court made the following.

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, (for short 'Cr.P.C.') is filed by the petitioners/A2 and A3, for grant of anticipatory bail in Crime No.526 of 2021 of Banjara Hills Police Station, Hyderabad, registered for the offences punishable under Sections 406 and 420 of IPC.

2. Heard Sri B.Adinarayana Rao, learned Senior Counsel representing the learned counsel for the petitioners/A2 and A3, the learned Assistant Public Prosecutor representing the respondent-State and perused the record.

3. Learned counsel for the petitioners/A2 and A3 would submit that the dispute between the parties is civil in nature and a suit in C.O.S.No.25 of 2019 is pending on the file of the Commercial Court-cum-XXIV Additional Chief Judge, City Civil Court at Hyderabad for recovery of Rs.1,58,87,502/-. In respect of the same dispute, the subject report dated 31.07.2021 was lodged with the police. There is no intention on the part of the petitioners/A2 and A3 to deceive the

complainant and it is only a financial dispute and ultimately prayed to allow the criminal petition as prayed for.

4. On the other hand, learned Assistant Public Prosecutor opposed for grant of bail to the petitioners/A2 and A3 and submitted that a notice under Section 41A Cr.P.C. was already issued to the petitioners/A2 and A3.

5. Learned Senior Counsel appearing for the petitioners/A2 and A3 would submit that due to prevalence of COVID-19 and other health problems, the petitioners/A2 and A3 could not comply the notice issued under Section 41A Cr.P.C.

6. As seen from the material placed on record, the subject report dated 31.07.2021 reveals that A1 approached the complainant company requesting for providing branding in the airline baggage tags and other airport media for its clients Satyzilla.com and Bankbazaar.com. Thereafter, the complainant company provided services as per the purchase orders submitted by A1 from time to time. In that process, the accused and their firm had fallen due for an amount of Rs.1,06,52,705/- by October, 2016. As per the report dated 31.07.2021, the dispute between the parties appears to be civil in nature. A civil suit i.e., C.O.S.No.25 of 2019 had already been filed before the Commercial Court-cum-XXIV Additional Chief Judge, City Civil Court at Hyderabad, and the same is pending for adjudication. The question as to whether there was any intention on the part of the petitioners/A2 and A3 to deceive the complainant from the inception needs to be investigated. In view of the nature of allegations and the material collected so far, this Court is inclined to grant anticipatory bail to the petitioners/A2 and A3 under Section 438 Cr.P.C. on some conditions:

- i) The petitioners/A2 and A3 are directed to surrender before the Station House Officer, Banjara Hills Police Station, Hyderabad, within a period of 15 days from the date of this order.
- ii) On such surrender, the said Station House Officer shall release the petitioners/A2 and A3, on their executing personal bonds for a sum of Rs.50,000/- (Rupees fifty thousand only) each with two sureties for a like sum each to his satisfaction.

- iii) On such release, the petitioners/A2 and A3 shall report before the said Station House Officer, on every Sunday between 10:00 A.M. and 11:00 A.M., till filing of charge sheet.
- iv) The petitioners/A2 and A3 shall not, directly or indirectly, meddle with the witnesses, tamper the evidence and they shall cooperate with the Investigating Officer for smooth completion of investigation.
- v) The petitioners/A2 and A3 shall also abide by the conditions stipulated in Section 438(2) Cr.P.C.

7. The Criminal Petition is accordingly, allowed.

//TRUE COPY//

SD/- M.MANJULA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The III Additional Metropolitan Magistrate at Nampally, Hyderabad.
2. The Station House Officer, Banjara Hills Police Station, Hyderabad.
3. One CC to SRI. ALLAM RAMESH Advocate [OPUC]
4. One CC to PUBLIC PROSECUTOR, High Court at Hyderabad. [OUT]
5. One Spare Copy

HIGH COURT

DRSAJ

DATED:11/10/2021

ORDER

CRLP.No.7476 of 2021



BAIL