

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND TWENTY ONE**

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO: 9009 OF 2021

Between:

Sri. Divyang Lavania, S/o. Uma Shankar Lavania Aged about. 39 years, Occ. Business.
R/o. H.No.1-2-593/51, Gaganmahal Colony, Domalguda, Hyderabad.

...PETITIONER/ACCUSED

AND

The State of Telangana, Rep by its Public Prosecutor High Court of Telangana at
Hyderabad.

...RESPONDENT/COMPLAINANT

Petition under Section 438 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to direct the Police C.C.S, Hyderabad to release the petitioner/ Accused on bail in the event of petitioners arrest in relation with FIR No. 179 of 2020 dt. 07/12/2020 on the file of the Police C.C.S, Hyderabad.

I.A. NO: 1 OF 2021

Petition under Section 482 of Cr.P.C praying that In the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to grant interim Anticipatory bail to the petitioner/accused by directing the PS CCS, Hyderabad not to arrest the petitioner/accused in connection with Cr.NO.179/2020 dtd: 7/12/2012 on the file of PS, CCS, Hyderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri B. CHANDRASEN REDDY SENIOR COUNSEL for the Petitioner and the Asst. Public Prosecutor on behalf of the Respondent.

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO. 9009 OF 2021

ORDER:

This Criminal Petition is filed under Section 438 Cr.P.C. seeking bail to petitioner/accused in the event of his arrest in connection with Crime No. 179 of 2020 of P.S. Central Crime Station, Hyderabad, registered for the offences punishable under Sections 406, 420, 465, 468 and 471 of the Indian Penal Code.

2. Heard Sri B. Chandrasen Reddy, learned Senior Counsel for petitioner and learned Assistant Public Prosecutor for respondent-State and perused the material on record.

3. Learned Senior Counsel appearing for the petitioner submitted that only after issuance of notice under Section 41-A Cr.P.C. to the petitioner on 23.11.2021, they came to know about registration of crime. It is submitted that the petitioner is not an accused and they have also submitted a reply to the said notice and petitioner has nothing to do with the alleged offence. It is further submitted that there is a marriage in the petitioner's house and the petitioner is apprehending arrest and hence, their case may be considered for grant of pre-arrest bail.

4. On the other hand, learned Assistant Public Prosecutor submitted that certain amounts were transferred to the account of M/s. Pennar Industries Ltd. During the course of investigation, on the reasonable belief that amounts were transferred into the petitioner's account, they have issued notice under Section 41-A Cr.P.C. Learned Assistant Public Prosecutor also does not dispute the fact that so far the petitioner was not arrayed as accused in the said crime.

5. Having received notice under Section 41-A Cr.P.C., the petitioner cannot have any apprehension that the police will straight away arrest him because having issued notice under Section 41-A Cr.P.C., without the permission of the Magistrate concerned, the police cannot arrest the accused.

6. In view of the same, the Criminal Petition is disposed of. Miscellaneous applications, if any, pending shall stand closed.

SD/-L.SIVA PARVATHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The XII Additional Chief Metropolitan Magistrate at Nampally , Hyderabad.
2. The Station House Officer , Central Crime Station, Hyderabad.
3. Two CCs to Public Prosecutor, High Court at Hyderabad for the State of Telangana (OUT)
4. One CC to SRI. CHANDRASEN LAW OFFICES, Advocate [OPUC]
5. Two CD Copies
6. One Spare Copy

TR

HIGH COURT

DATED:03/12/2021

ORDER

CRLP.No.9009 of 2021



DISPOSING OF THE CRL.PETITION.

(8) VW
7/12/21