

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.269 of 2022

ORDER:

This Criminal Petition under Section 438 Cr.P.C. is filed by petitioner – Accused No.3 seeking bail in the event of her arrest in connection with Crime No.328 of 2021 on the file of Nirmal Town Police Station, Nirmal District, registered for the offences punishable under Sections 406, 409, 420, 506 read with Section 34 IPC.

2. The case of prosecution is that basing on the advertisement given by A1 in OLX app to sell one Benz Car along with a mobile, the de-facto complainant met A1 and A2, who gave assurance that the car belongs to them and they intend to sell the same for a sum of Rs.31,30,000/-, and on believing their words, the de-facto complainant has paid a sum of Rs.20,90,000/- through his account and net cash Rs.3,75,000/- to A3, who is the wife of A2, but he came to know that A1 and A2 are not original owners and they are only agents, thereby cheated him.

3. Learned counsel for petitioner Sri M.A.K.Mukheed, submits that the only allegation against the petitioner is that as A1 and A2 had negotiated with the de-facto complainant to purchase a car and when the de-facto complainant came to the house, A1 and A2 were not there, so he gave an amount of Rs.3,00,000/- and odd to the petitioner, except that allegation, absolutely there are no allegations against the petitioner. Learned counsel submits that A1 and A2 were already granted regular bail before the Court below and as the petitioner being a lady, her case may be considered for grant of pre-arrest bail.

4. On the other hand, learned Assistant Public Prosecutor submits that as per the remand report, the petitioner has received the amount from the de-facto complainant and as such, she is not entitled for pre-arrest

bail. He submits that the investigation is pending and so far, 5 witnesses were examined.

5. Taking into consideration the fact that the only allegation against the petitioner is that the de-facto complainant came to her house and gave an amount of Rs.3,00,000/- and odd and already A1 and A2 were granted bail by the Court below, this Court deems it appropriate to grant pre-arrest bail to petitioner/A3.

6. The Criminal Petition is allowed. Petitioner – Accused No.3 shall surrender before the Station House Officer, Nirmal Town Police Station, Nirmal District, in connection with Crime No.328 of 2021 within one week from today and on such surrender and executing a personal bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer, she shall be released on bail. It is made clear that no further extension of time will be granted.

24th January, 2022

LALITHA KANNEGANTI, J

sj