**THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER**

**CRIMINAL PETITION No.2142 of 2022**

**ORDER:**

This Criminal Petition, under Section 439 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.1, for grant of bail in Crime No.105 of 2022 of Madhapur (Guttala) Police Station, Cyberabad Commissionerate, registered for the offences punishable under Sections 120B, 386, 403, 420, 468, 471 and 506 of IPC.

**2.** Heard the submissions of Sri M.S.Prasad, learned senior counsel, appearing for Smt.Vanga Anita, learned counsel for the petitioner/A.1, learned Assistant Public Prosecutor appearing for the respondent-State and perused the record.

**3.** Several contentions, such as the dispute in between the parties to the litigation is civil in nature, apart from other contentions, were raised by the learned senior counsel appearing for the petitioner/A.1. Learned senior counsel had also relied on several citations of the Hon'ble Apex Court in support of his contentions. Learned senior counsel, bringing to the notice of this Court the decision of the Hon'ble Apex Court in **Arnesh Kumar v. State of Bihar and another**[1] contended that the guidelines formulated by the Hon'ble Apex Court in the said decision were not followed by the Investigating Officer in the subject crime while remanding the accused in the subject crime. It is

[1] **AIR 2014 Supreme Court 2756**

also submitted that the dispute between the petitioner herein/Founder and Director of M/s.Super Surfaces India Private Limited and the de-facto complainant, who is also one of the Directors of the said Company, is in relation to the amount invested by the de-facto complainant in the said company. Furthermore, the de-facto complainant filed Company Petition No.64/241/242/HDB/of 2020 on the file of National Company Law Tribunal, Hyderabad Bench, Hyderabad, against the petitioner/A.1 and others, seeking various reliefs. It is also vehemently contended that since the dispute between the parties to the litigation is civil in nature, jurisdiction of the Criminal Court ought not to have been invoked and that the investigation in the subject crime is not on proper lines. Furthermore, all the accused in the subject crime, except the petitioner/A.1, were given the benefit of notice under Section 41A of Cr.P.C. and they have complied with the conditions in the said notice. The investigating Officer ought to have given similar benefit to the petitioner/A.1 also.

**4.** Having made the above submissions, the learned senior counsel appearing for the petitioner/A.1 sought permission of this Court to withdraw this Criminal Petition with a liberty to the petitioner/A.1 to file a bail application before the Magistrate concerned and sought a direction to the said Magistrate to dispose of the bail application so filed, on the same day.

**5.** There is substance in the submissions of the learned senior counsel appearing for the petitioner/A.1. Under these circumstances, without expressing any opinion on the merits of the case, the petitioner/A.1 is granted liberty to file a bail application before the Magistrate concerned; and on filing of such a bail application by the petitioner/A.1, the Magistrate concerned shall dispose of the same, in accordance with law, on the same day.

**6.** With the above observations/direction, this Criminal Petition is dismissed as withdrawn.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

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**Dr. SHAMEEM AKTHER, J**

14th March, 2022

**Note:**
Furnish CC by 15.03.2022.
(B/O)
Bvv