

THE HONOURABLE SMT JUSTICE G.ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION No.4349 OF 2022

ORDER:

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking bail to the petitioner/Accused in the event of his arrest in Crime No.155 of 2022 on the file of Sathupalli Police Station, Khammam District for the offence punishable under Section 420 of Indian Penal Code.

2. The brief facts of the prosecution case are that the *de facto* complainant and petitioner in the process of business, both were agreed to do paddy business by purchasing paddy from the farmers and that on 15.04.2021 at 10.00 AM the *de facto* complainant and the petitioner/Accused purchased paddy worth Rs.19,00,000/- from the farmers in Thallamada, Ramanagaram and Bethupalli villages and they have made an agreement and paid amount, got commission for acting as mediator for purchasing 120 tones from the farmers and loaded in six lorries. It is the further alleged in the complaint that the petitioner did not paid the amount and dodged the matter from the last five months and further blackmailed the *de facto* complainant that he would commit suicide by writing suicide note on his name.

3. Learned counsel for the petitioner submitted that he filed a quash petition, *vide* CrI.Petition No.2767 of 2022 and notice was ordered on 24.04.2022. It is also submitted that as the offence under Section 420 of IPC is punishable below seven years, the police have to issue a notice under Section 41-A Cr.P.C. But, without serving notice under Section 41-A Cr.P.C., they are trying to arrest the petitioner. Therefore, prayed to grant Anticipatory Bail to the petitioner/Accused.

4. Learned Assistant Public Prosecutor contended that so far five witnesses were examined in this case and the investigation is still in progress.

5. Heard the learned counsel for petitioner/Accused and the learned Assistant Public Prosecutor for respondent-State. Perused the record.

6. On perusal of the record, it is evident that Section 41-A of Cr.P.C. notice has not been issued to the petitioner, though the punishment for the offence is below seven years. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner in this case. But, the petitioner is directed to appear before the Station House Officer, Sathupalli Police station, Khammam District, on 23.05.2022. The police are liberty to issue notice under Section 41-A Cr.P.C. on the same day and release the petitioner on bail.

7. Accordingly, the Criminal Petition is disposed off.

SMT JUSTICE G.ANUPAMA CHAKRAVARTHY

Date: 12.05.2022
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