

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.5921 OF 2022****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking bail to the petitioner who are arrayed as Accused Nos.2 and 3 in the event of their arrest in Crime No.382 of 2022 on the file of Station House Officer, Hayathnagar Police Station, Rachakonda registered for the offences punishable under Sections 420, 408 and 379 of Indian Penal Code.

2. Heard learned counsel for the petitioners/Accused Nos.2 and 3 and learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. The present crime was registered for criminal breach of trust and cheating against these petitioners.

4. The case of the prosecution is that the *de facto* complainant filed a written complaint on 11.04.2022 stating that Accused No.1 was his employee since 2011 and he was entrusted with the office work and also the cash. In the said process, Accused No.1

committed theft of 45 lakhs worth of tyres and when confronted these petitioners who are brother-in-law and father-in-law of Accused No.1, went to the *de facto* complainant and executed a notary, promising to return an amount Rs.30,00,000/-. However, no such amount was returned. Aggrieved by the said act of stealing of 45 lakhs worth of tyres, the complaint was registered.

5. Even according to the complaint, the *de facto* complainant stated that it was accused No.1 who had committed theft and these petitioners who are brother-in-law and father-in-law gave assurance of returning an amount of Rs.30,00,000/- by executing a notary. However in the remand report of Accused No.1 it is mentioned that these petitioners have assisted Accused No.1 in committing the crime. But there are no details of any such abetment which was committed by these petitioners and the only basis for saying that these petitioners were complicit in theft by accused No.1, is confession of A1.

6. In the said circumstances, the petitioners/Accused Nos.2 and 3 can be granted the relief of anticipatory bail.

7. Accordingly, the Criminal Petition is allowed and the petitioners/Accused Nos.2 and 3 shall be enlarged on bail in the event of their arrest subject to the following conditions:

- i) The petitioners/Accused Nos.2 and 3 are directed to surrender before the Station House Officer, Hayathnagar Police Station, Rachakonda within one week from today and on such surrender, they shall be enlarged on bail on their executing personal bonds for a sum of Rs.20,000/- (Rupees Twenty Thousand Only) each with two sureties to the like sum each, to its satisfaction.
- ii) The petitioners/Accused Nos.2 and 3 shall appear before the concerned Station House Officer on every Monday between 10.30 AM and 01.00 PM for a period of eight (08) weeks.
- iii) The petitioners/Accused Nos.2 and 3 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

K.SURENDER, J

Date: 14.07.2022
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