

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.9652 OF 2022****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking bail to the petitioner who is arrayed as Accused in the event of his arrest in Crime No.514 of 2022 on the file of Station House Officer, Shamshabad Police Station, Cyberabad, registered for the offences punishable under Sections 420, 406, 409 and 506 of Indian Penal Code (IPC).

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

3. Briefly the facts of the case are that the *de facto* complainant alleges cheating and criminal misappropriation for the reason of petitioner taking Rs.30,00,000/- as advance for sale of property, which is in the name of this petitioner.

4. In the private complaint made to the Magistrate, the complainant alleges that Court cases and restraint order by the Civil Court were suppressed while entering into agreement of sale dated

01.04.2021. The copy of unregistered agreement of sale filed along with the material papers.

5. On perusal of the agreement of sale, it is mentioned at Point No.2 that the balance amount of Rs.60,00,000/- would be given after clearance of Court issues (at the time of registration). Apparently the *de facto* complainant having knowledge about the Court cases has entered into an agreement of sale.

6. In the said circumstances, the question of misrepresentation does not arise, for the said reason the petitioner/Accused can be granted the relief of anticipatory bail.

7. Accordingly, the Criminal Petition is allowed and the petitioner/Accused shall be enlarged on bail in the event of his arrest subject to the following conditions:

i) The petitioner/Accused is directed to surrender before the Station House Officer, Shamshabad Police Station, Cyberabad within ten (10) days from today, and on such surrender, he shall be enlarged on bail on his executing personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties for a like sum each, to its satisfaction.

ii) On such release, the petitioner/Accused 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 and thereafter as and when required for the purpose of investigation.

iii) The petitioner/Accused shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

Miscellaneous applications, if any, pending shall stand closed.

K.SURENDER, J

Date: 07.11.2022
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