

THE HON'BLE SMT. JUSTICE M.G.PRIYADARSINI

CRIMINAL PETITION NO.11624 OF 2022

ORDER:-

This petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking pre-arrest bail to the petitioner/A.2 in the event of his arrest in connection with Crime No.242 of 2022 of Trimulgherry Police Station, registered for the offences punishable under Sections 403, 408, 420, 466, 120(b) of Indian Penal Code, 156(3) Cr.P.C.

2. This case was registered by the Station House Officer, Trimulgherry, basing on the private complaint referred on 17.10.2022 from the XXII Additional Chief Metropolitan Magistrate, Secunderabad, in respect of M/s. Saboo Cars Private Limited, a Company registered under Companies Act having registered office at H.No.3-5-141/2, Ramkote, Eden Bagh, Hyderabad-500001 represented by its Director Prashant Saboo S/o Kishore Saboo, aged; 47 years, occ: Business, H.No. 5-2-12 to 122, R.P. Road, Secunderabad-500003, alleging that the complainant is into the business of dealership of old and new cars of various brands and carrying on business from its various showrooms and branch offices

located at 12-8-452 & 453/5, TMR Complex Mody Compound, Opp. Rail Kalyan, Mettuguda, Secunderabad and at 3-10/2 (1-d), A2, Moti Vally, GLR Sy.No.370, Trimulgherry, Secunderabad. During the course of said business, the complainant hired one Chelikani Vijay Kumar as Finance Manager of their company, who used to operate from Trimulgherry Showroom and Branch office. The cause of action arose when he hatched a plan of making easy money with dishonest cheating the complainant as well as the BMWFS (BMW India Financial Services Private Limited) by projecting fictitious requirement of M/s. Sai Ram Krishna Minerals and Projects, Office at 19-8-151, Lamnagar, Godavarikhani, Ramagunda, Karimnagar represented by its Partner Mr.Manchkata Manoj Krishna, aged; 62 years, and thereby inducing the BAWFS and the cause of action continued on 4.2.2019 when Chelikani Vijay Kumar addressed an email to BMWPS recommending approving loan of M/s. Sai Ram Krishna Minerals and Projects and its Partner Manchkata Manoj Krishna, for an alleged purchase of Volvo XC90, as an exception, despite the previous loan for Porsche 911 being pending. On 26.2.2019 when Chelikani Vijay Kumar addressed a letter to BMWFS, wherein he undertook to provide insurance cover note of M/s. Sai Ram Krishna Minerals and

Projects and its partner Manchkata Manoj Krishna for vehicle Volvo XC90, within seven days from the date of disbursement and requested to disburse the loan application for M/s. Sai Ram Krishna Minerals and Projects and its Partner Manchkata Manoj Krishna without approval, consent, sanction or knowledge of the complainant. The said loan was initially not processed and additional documents were sought by BMWFS and C.Vijay Kumar addressed an email dated 28.2.2019 provided required documents without knowledge of the complainant. When BMWFS invoked its hypothecation on the Volvo XC90, it came to light that the said vehicle does not exist and C.Vijay Kumar had shared a forged and fake document purported to be from the official website of the RTA projecting that the hypothecation has been registered against the said vehicle and when BMWFS lodged protest with the complainant and only then the complainant learnt about the misdeeds of the accused.

3. Heard Mr.C.Praveen, learned Counsel for the petitioner and the learned Additional Public Prosecutor for the respondent-State.

4. Learned Senior Counsel submits that the First Information Report does not show any involvement of the petitioner/A2 directly or

indirectly and the F.I.R. was registered by the police on the basis of a private complaint filed under Section 200 Cr.P.C. and that the petitioner is a businessman and he is innocent and has not committed any offence and that he is apprehending that the police may arrest him at any time. Hence, prayed to grant pre-arrest bail.

5. On the other hand, learned Assistant Public Prosecutor opposed for grant of anticipatory bail to the petitioner and submits that the investigation is in progress and in view of the allegations levelled against the petitioner, he is not entitled for pre-arrest bail.

6. This Court has perused the record available and found that this case was registered based on a private complaint which has been referred to the Police by the concerned Magistrate. Considering the nature of allegations and that the alleged offences leveled against the petitioner/A.2 are punishable with maximum sentence of seven years, this Court is inclined to grant pre-arrest bail to the petitioner/A.2 on certain conditions.

7. Accordingly, the Criminal Petition is allowed and the petitioner/Accused No.2 is granted anticipatory bail subject to the following terms and conditions:

- (i) The petitioner/Accused No.2 is directed to surrender before the Station House Officer, Trimulgherry Police Station, within a period of four (4) weeks from the date of this order and on such surrender, the said Station House Officer shall release the petitioner/Accused No.2 on bail, on his executing personal bond of Rs.30,000/- with two sureties for a like sum each to the satisfaction of the aforesaid Station House Officer. Out of two sureties, one surety must be from the native place of the petitioner.
- (ii) The petitioner shall surrender his pass-port, if any, at the time of execution of personal bond and shall not leave the territorial jurisdiction of the Police Station concerned, without prior permission of the Court concerned. If the petitioner is not having pass-port or he has already submitted the same, in any case, he shall file an affidavit to that effect.
- (iii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such fact to the Investigating Authority.
- (iv) The petitioner/Accused No.2 shall not act in any manner which will be prejudicial to fair and expeditious investigation.
- (v) The petitioner/Accused No.2 shall not misuse the liberty granted to him, failing which the Court concerned shall take appropriate action in accordance with law in the light of the

judgment of the Hon'ble Apex Court in *Sushila Aggarwal and others vs. State (NCT of Delhi) and others*¹.

- (vi) The petitioner/Accused No.2 shall also comply with the other conditions as laid down under Section 438(2) of Cr.P.C.

M.G.PRIYADARSINI, J

Date :27.12.2022

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¹ 2020 SCC Online SC 98.