



Crl.O.P.No.18418 of 2023

Crl.O.P.No.18418 of 2023

WEB COPY

RMT.TEEKAA RAMAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 406 and 420 of IPC, in Crime No.218 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant Syed Ahamedullah has lodged a complaint stating that in the year 2010, one Abdul Pari had approached him and informed that he was selling lands at lower price and the defacto complainant's friend S.Ahmed Kapoor also supported him. Believing his words, the defacto complainant paid a sum of Rs.1 lakh to the petitioners and after executing a sale agreement, both dragged the matter stating that they are taking steps to get Government approval. They have also received another sum of Rs.1,50,000/- for getting DTCP approval and after getting approval they started to sell the land to others, when the defacto complainant questioned the same, they threatened him. Hence the complaint.



Crl.O.P.No.18418 of 2023

WEB COPY

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely roped in this case. He would further submit that it is a case of civil dispute between the parties and a criminal complaint has been given against the petitioners. He would also submit that the petitioners are ready to abide by any condition imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that there are totally two accused in this case in which the petitioners are arrayed as A1 and A2. He would further submit that the petitioners, in order to sell the property, executed a sale agreement with the defacto complainant and thereby received a sum of Rs.2,50,000/- and thereafter, neither execute any sale deed nor return the money and cheated the defacto complainant. Hence, he vehemently objected for grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners, the learned



Crl.O.P.No.18418 of 2023

WEB COPY

Government Advocate (Crl. Side) for the respondent and perused the entire materials available on records.

6. It is brought to the notice of this Court that A2/2nd petitioner is reported to be dead and hence, the anticipatory bail for the 2nd petitioner is closed. As far as, the 2nd petitioner is concerned, according to him, he is only a broker and as per the complaint, I find that they have entered into an agreement of sale of the very same property with three other persons and received to the extent of Rs.3 lakhs and hence, I am not inclined to grant anticipatory bail to the 2nd petitioner.

7. Considering the nature and gravity of offence committed by the petitioners and the case is at the preliminary stage, I am not inclined to grant anticipatory bail to the 2nd petitioner. Accordingly, this criminal original petition is dismissed.

21.08.2023

ata



WEB COPY



Crl.O.P.No.18418 of 2023

RMT.TEEKAA RAMAN, J.
ata

Crl.O.P.No.18418 of 2023

21.08.2023