

THE HONOURABLE DR. JUSTICE D.NAGARJUN

CRIMINAL PETITION No.249 of 2023

ORDER:

This Criminal Petition is filed by the petitioners/Accused No.1 to 3 under Sections 438 of the Criminal Procedure Code seeking anticipatory bail in Crime No.300 of 2022 dated 21.12.2022 on the file of Shahinayathgunj Police Station, Hyderabad registered for the offences punishable under Sections 406, 419, 420, 506 read with Section 34 of the Indian Penal Code.

02. Heard Sri S.S. Prasad, learned Senior Counsel representing Ms. C.Sindhu Kumari, learned counsel for the petitioners, on record, as well as Sri T.V.Ramana Rao, learned Additional Public Prosecutor for respondent/State.

03. According to the prosecution version, on 21.12.2022, the de-facto complainant has filed a complaint stating that on 28.02.2022 at 09:00 P.M. at Taj Deccan, Hyderabad, he has paid Rs.60,00,000/- to the petitioner/Accused No.1 on inducing the de-facto

complainant to start tobacco business and insisted to pay Rs.60,00,000/-. However, subsequently the petitioners / Accused No.1 to 3 had taken huge money by their false representation and committed the offence of cheating and criminal breach of trust and misappropriated the said amount for their personal use.

04. Learned Additional Public Prosecutor for respondent / State has submitted on behalf of the *de-facto* complainant that the petitioners/Accused No.1 to 3 have duped many people with crores of rupees and similarly, induced the de-facto complainant. Learned Additional Public Prosecutor for respondent/State further submitted that de-facto complainant have paid Rs.50,00,000/- to the petitioners/Accused No.1 to 3 for the incessant business, for which there is no dispute.

05. Learned Senior Counsel for the petitioners / Accused No.1 to 3 has submitted that a false case has been foisted against them and the de-facto complainant was not even at the Taj Deccan Hotel at relevant time when money of

Rs.60,00,000/- stated to have been given to the petitioner/accused No.1. He filed a copy of the E-Ticket to show that on 28.02.2022 at the time of offence alleged to be committed, the petitioner/accused No.1 by name Sanjeev Nayar was travelling from Delhi to Hyderabad in Vistara Airline with PNR No.KBKNMQ and was in the aircraft.

06. Learned Senior Counsel for the petitioners / Accused No.1 to 3 though submitted that under the same set-of-facts the petitioner/Accused No.1 has obtained anticipatory bail from the learned Sessions Judge, Court Authority Gautambudhnagar, Uttarpradesh vide Orders dated 15.09.2022, the Order is not clear to compare whether the facts of the present case and the facts of the case where he has filed anticipatory bail, are one and the same.

07. As per the record the incident allegedly took place on 28.02.2022, whereas the complaint was filed on 21.12.2022, no explanation is offered as to why the delay is occurred making complaint. Similarly, there is no witness to show that an amount of Rs.60,00,000/- have been paid by

the de-facto complainant to the petitioner/accused No.1. There is no material at all to show that the de-facto complainant has paid Rs.60,00,000/- to the petitioners. The punishment for the offences under which the petitioners/Accused No.1 to 3 allegedly committed, is less than three years.

08. Accordingly, the Criminal Petition is allowed and the petitioners/Accused No.1 to 3 are granted anticipatory bail subject to the following conditions:

i) The petitioners/Accused No.1 to 3 are directed to surrender before the Station House Officer, Shahinayathgunj Police Station, Hyderabad and on such surrender, the petitioners/Accused No.1 to 3 are ordered to be released on bail on their executing personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of Shahinayathgunj Police Station, Hyderabad.

ii) On such release, the petitioners/Accused No.1 to 3 shall appear before the Station House Officer, Shahinayathgunj Police Station, Hyderabad on every first

Monday of every month between 10:00 AM to 12:00 PM., until further orders and thereafter as and when required for the purpose of investigation. The petitioners/Accused No.1 to 3 are further directed to cooperate with the Investigating Agency.

iii) The petitioners/Accused No.1 to 3 shall abide by the other conditions stipulated in Section 438 of the Criminal Procedure Code.

As a sequel, pending Miscellaneous Applications, if any, shall stand closed.

DR. D.NAGARJUN, J

Date: 10-Jan-2023
TMK

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