

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION NO.3263 OF 2023

ORDER:

This Criminal Petition is filed by the petitioner / A1 under Section 438 of Cr.P.C.to grant bail in the event of his arrest in Crime No.149 of 2023 of Ghatkesar Police Station, Medchal Malkajgiri District.

2. The case of the prosecution in brief was that on 14.02.2023 at 04:30 PM, the Police received a court referred complaint filed by Sri Venkata Chakradhar Bandi (complainant) against A1 that while the complainant was searching to purchase in 99 acres website, A2 made a phone call to him and stated that he would assist in purchasing land stating that he along with A1 was in real-estate business for a long time and that he owned a company by name M/s. Sri GVR Infra Projects and A1 was owning a company by name M/s. Sri SV Developers and invited to their office at Medipally and proposed to sell Plot No.45 admeasuring 167 Sq.yards in Survey Nos.151, 152, 153 and 154 situated at Ankushapur Village, Ghatkesar for a total consideration of Rs.22,44,000/-. Later, on 25.01.2020 A1 and A2 entered into an agreement with the complainant and as per the instructions of A2, the complainant paid an amount of Rs.2.00 lakhs as token amount through internet banking in the

name of M/s. Sri SV Developers and paid an amount of Rs.9,20,000/- to M/s. Sri SV Developers on 23.01.2023 and an amount of Rs.9,70,000/- was paid to M/s. GVR Infra Projects. Later on enquiry, the complainant came to know that A1 and A2 had no rights on the said land as they did not get LP number for the said layout. When the complainant approached the accused, they agreed to return the amount but did not return the money.

3. Basing on the said complaint, the Inspector of Police registered a case in Crime No.149 of 2023 for the offences under Sections 120-B, 406, 420, 423 read with 34 of IPC.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

5. The learned counsel for the petitioner submitted that A1 and A2 together started a venture to sell plots by developing a parcel of land. The agreement was done in the month of January, 2020 and they started to promote selling the plots. Meanwhile, due to the pandemic, lockdown and other challenges, the project could not be completed in time. As per the promise given to the complainant, if the plot was not delivered with due process, A1 was ready to return the money. The complainant filed a cheque bounce case under Section 138 of Negotiable Instruments Act (for short "NI" Act) on the file of the II Metropolitan Magistrate,

Malkajgiri against A2 and trial was pending. The petitioner had no intention to cheat nor to commit any fraud. He had not created any fabricated documents to sell plots and cheated people. He was ready to clear all legal hurdles for the said plot. The complainant by taking advantage of his signatures on the agreement of sale was filing cases with a motive to extract undue amount. The petitioner was not having any criminal antecedents. He was ready to furnish sufficient sureties to the satisfaction of the court and prayed to grant bail to the petitioner in the event of his arrest.

7. The learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner.

8. Perused the record.

9. The allegations in the complaint mainly appear to be civil in nature and the complainant had also filed civil suit for recovery of money vide O.S.No.63 of 2023 on the file of the Senior Civil Judge, Medchal Malkajgiri District against the petitioner and A2 as well as a cheque bounce case against A2. As the petitioner had no criminal antecedents and as he was apprehending his arrest, it is considered a fit case to grant anticipatory bail to the petitioner.

10. In the result, the Criminal Petition is allowed and the petitioner is granted anticipatory bail subject to the following terms and conditions:

(i) The petitioner is directed to surrender before the Station House Officer (for short “SHO”) of PS Ghatkesar within a period of fifteen (15) days from the date of this order, and on such surrender the SHO, PS Ghatkesar shall release the petitioner on bail on his executing a personal bond for a sum of Rs.50,000/- with two sureties each for the like sum to the satisfaction of the said SHO.

(ii) The petitioner shall also comply with all the conditions laid down under Section 438 (2) of Cr.P.C.

(iii) The petitioner shall appear before the investigating officer as and when required for investigation.

As a sequel, miscellaneous petitions pending in this petition, if any, shall stand closed.

10th April, 2023
nsk.

Dr. G. RADHA RANI, J

