

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.3257 OF 2023

ORDER:

This Criminal Petition is filed by the petitioner – accused under Sections 437 and 439 of Cr.P.C. to release him on bail in Crime No.178 of 2023 on the file of Raidurgam Police Station, Cyberabad, Ranga Reddy District registered for the offences under Sections 386, 354, 307, 506 and 509 of IPC.

2. The case of the prosecution in brief was that the petitioner – accused was doing business of Herbal Life Products and was introduced to the complainant with regard to the said business and he frequently took money from her for the purpose of business. The complainant gave Rs.80,00,000/- through online and Rs.2,00,00,000/- cash through hand in the year 2020. When the complainant was asking the petitioner for return of her money for the past five months, the accused abused her in filthy language and threatened that he would not give her money back and asked her to report to anyone. The complainant lodged the complaint on 24.02.2023 at 11:30 P.M. stating that while she was in her flat on 22.01.2023 at about 8:00 P.M., the petitioner went and knocked on her

door. She did not open the door due to fear, but the petitioner blackmailed her that he would inform badly about her to her family members. On fear, she opened the door. Then the petitioner – accused went inside the house abused her for not opening the door and beat her with hands and also with a door curtain rod on her head due to which she sustained bleeding injury on her head. He also tried to kill her by pushing her and keeping his leg on her throat. He took her phone forcibly and asked for phone password. When she did not reveal her password, he beat her with a belt. On fear she revealed the password of her phone. Then the accused transferred her phone data to his phone and forcibly obtained her signature on the promissory note by writing that the defacto-complainant had lend only Rs.1,50,00,000/- instead of Rs.2,80,00,000/- and threatened to defame her by sending photos to her family members if she asked him about money and also threatened that he would kill her children.

3. Basing on the said report, the Inspector of Police, Raidurgam Police Station registered a case in Crime No.178 of 2023 for the offences under Sections 386, 354, 307, 506 and 509 of IPC. He effected the arrest of accused on 27.02.2023.

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

5. The learned counsel for the petitioner submitted that the petitioner was implicated in the above case by the defacto-complainant falsely for committing extortion. The petitioner was in custody since 27.02.2023 i.e., for the past 45 days. The police also obtained custody of the petitioner and the custody period was also completed. The earlier bail petitions filed by the petitioner vide Crl.M.P.No.286 of 2023, Crl.M.P.No.695 of 2023 and Crl.M.P.No.903 of 2023 were dismissed by the Additional Metropolitan Sessions Judge, Ranga Reddy District at L.B. Nagar. This is the first bail petition before this Court. There was a delay of 33 days in lodging the report. The allegations of extortion could not be believed as the petitioner could have obtained a letter from the complainant that he was not due any amount but not that he was due an amount of Rs.1,50,00,000/- instead of Rs.2,80,00,000/- as contended by the complainant. No injury certificate was filed to show that the complainant sustained any injuries to attract the offence under Section 307 of IPC. Prima-facie a civil transaction was converted into a criminal case. The petitioner and the defacto-complainant were known to each other for the past several years and prayed to enlarge the petitioner on bail.

6. The learned Additional Public Prosecutor opposed grant of bail to the petitioner on the ground that there were several allegations made by the complainant against the petitioner.

7. Perused the record. As per the complaint, the incident occurred on 22.01.2023 but the complainant lodged the report on 24.02.2023 with a delay of 32 days. The reason for the delay was stated by the complainant that due to being in bed rest because of the injuries caused by the petitioner, she could not lodge the complaint immediately, but the said explanation is not satisfactory. The medico-legal report of the petitioner filed by the learned Additional Public Prosecutor dated 02.03.2023 would disclose that there were healed scars over left arm, left leg, upper back, right and left gluteal region which were simple in nature. No private hospital record for taking treatment for the said injuries or any photographs of those injuries were filed by the complainant. The contention of the learned counsel for the petitioner with regard to the non-applicability of Section 386 of IPC also appears to be justified. The petitioner need not have obtained the signatures of the complainant on the promissory note stating that she had given Rs.1,50,00,000/- instead of Rs.2,80,00,000/-.

8. Due to these lapses pointed out by the petitioner, it is considered fit to grant bail to the petitioner conditionally.

9. In the result, the petition is allowed and the petitioner – accused shall be released on bail on executing a personal bond to a tune of Rs.50,000/- (Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of the XIII Additional Metropolitan Magistrate, Cyberabad at Rajendranagar, Ranga Reddy District. However, considering the gravity of the allegations made against the petitioner, he is directed not to approach the complainant till the completion of trial. If any adverse report is lodged by the complainant against him during this period, the bail granted to him is liable to be cancelled. The petitioner is directed to appear before the Inspector of Police, Raidurgam Police Station on every Sunday between 11:00 AM to 12:00 PM for a period of three months or till filing of charge sheet, whichever is earlier.

Miscellaneous applications, if any, pending, shall stand closed.

Dr. JUSTICE G. RADHA RANI

April 10, 2023

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