

THE HON'BLE SRI JUSTICE M.LAXMAN

CRIMINAL PETITION No.5099 of 2023

ORDER:

1. This petition is filed seeking anticipatory bail under Section 438 of Criminal Procedure Code, 1973 (Cr.P.C). The petitioner is accused No.1 in Crime No.408 of 2023 of Narsingi Police Station, Cyberabad District. The offences alleged against the petitioner is under Sections 364, 406, 420, 425, 506 read with 34 of Indian Penal Code, 156(3) of Criminal Procedure Code.

2. The case of the prosecution is that the complainant is an initial purchaser of property in a public auction conducted by Indian Bank and he has paid part of the amount and committed default in payment of further auction amount. In this regard, there are litigations between the Bank and the defacto complainant. Ultimately, the matter went to Hon'ble Supreme Court and the Hon'ble Supreme Court finally granted certain time to the complainant to pay the amount. At that stage, the complainant allegedly approached the petitioner to purchase the entire company by paying the money and take the property in public auction and he has given no objection and the company has also transferred. It is alleged that on 24.01.2023, the

petitioner along with henchmen allegedly kidnapped the complainant and threatened the complainant not to insist for payment of Rs.17,08,30,800/-. Thereafter, a private complaint was filed on 17.03.2023 in respect of the incident occurred on 24.01.2023.

3. The contention of the learned counsel for the petitioner is that the petitioner has agreed to sell the entire property and registered the property in the name of the petitioner. In fact everything was done in a smooth way. It is not stated by the complainant that for what purpose kidnap was done except stating that the petitioner shall not insist for Rs.17,08,30,800/- allegedly due by the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent opposed to grant anticipatory bail to the petitioner.

5. As seen from the background of the facts, the complainant voluntarily no objection for transfer of company shares as well as the property in public auction conducted by the Bank. The sale deeds were also registered in name of the Company. The complainant claim of Rs.17,08,30,800/- due by the petitioner has not been supported by any agreement on record. In the said

circumstances, this Court is inclined to grant anticipatory bail to the petitioner/accused No.1.

6. Accordingly, the Criminal Petition is allowed on the following terms and conditions:

(i) The petitioner/accused No.1 is enlarged on bail in the event of his arrest in connection with Crime No.408 of 2023 on the file of Narsingi Police Station, Cyberabad District, on executing his personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties to the like sum each to the satisfaction of concerned Station House Officer.

(ii) The petitioner/accused No.1 shall appear before the Station House Officer, Narsingi Police Station, Cyberabad District on every Saturday between 10.00 am and 05.00 pm, for a period of three months.

(iii) The petitioner/accused No.1 shall abide by the other conditions stipulated in Section 438 (2) Cr.P.C and co-operate with the Investigating Officer in investigating the case.

JUSTICE M.LAXMAN

20.06.2023
Dua/Prn

THE HON'BLE SRI JUSTICE M.LAXMAN

CRIMINAL PETITION No.5099 of 2023

Dua/Prn

20.06.2023