

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.8505 OF 2023****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail to the petitioner/A1 in Crime No.330 of 2023 on the file of Station House Officer, Chandanagar Police Station, Cyberabad District registered for the offence punishable under Section 313, 354, 354(A), 420, 417 & 506 of Indian Penal Code.

2. Heard learned counsel for petitioner and learned Assistant Public Prosecutor for respondent-State. Perused the record.

3. The said complaint on 15.04.2023 was made by the defacto complainant. In the said complaint it is stated that she is a widow and she got acquaintance with the petitioner in the year 2019-2020. They were in relation during the said period and thereafter. In June-2022, there was a settlement in respect of disputes between the petitioner and defacto complainant. According, to the complaint dispute arose with respect to giving share to her in the partnership business but petitioner failed to do so. She was also aborted in the month of June-2022.

4. On the basis of said complaint for cheating and harassment, the crime was registered.

5. The learned counsel for the petitioner would submit that the dispute amongst the defacto complainant and the petitioner have been resolved, At the time of settlement, Rs.70.00 Lakhs was given and Rs.20.00 Lakhs was given through cheques. However, cheques bounced and the defacto complainant filed complaint under Section 138 of NI Act. There are no allegations to attract offence under Section 313 of IPC, since it was not petitioner who had committed the act of forcing abortion. The other offences alleged an punishable upto seven years.

6. On the other hand, learned Assistant Public Prosecutor opposed the grant of Anticipatory bail.

7. As seen from the complaint, there are business and personal relations between the petitioner and defacto complaint. Admittedly, they were in relation since 2019 and abortion was in June-2022 and the present complaint is filed in April-2023. Keeping in view that there are money transactions in between the parties and even according to the complaint they were having relation over a period, this Court deem it appropriate to grant the relief of Anticipatory Bail.

8. Accordingly, the Criminal Petition is allowed and the petitioner/A1 shall be enlarged on bail subject to the following conditions:

- i) The petitioner/A1 is directed to surrender before the Station House Officer, Chandanagar Police Station, Cyberabad District on or before 14.09.2023, and on such surrender, he shall be enlarged on bail on his executing personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with two sureties to the like sum each, to its satisfaction.
- ii) The petitioner/Accused shall appear before the concerned Station House Officer on every Monday between 10.00 AM and 01.00 PM for a period of two (02) months, for the purpose of investigation.
- iii) The petitioner/Accused shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

As a sequel thereto, miscellaneous applications, if any pending, shall stand closed.

Date: 11.09.2023
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K.SURENDER, J