

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.1674 of 2024

ORDER :

This Criminal Petition is filed by the petitioner-accused No.2 under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') for grant of regular bail in Crime No.543 of 2023 of P.S. Osmania University, registered for the offences under Sections 380, 457 and 413 of IPC.

2. The case of the prosecution in brief was that the petitioner-accused No.2 was working as Branch Manager of Manappuram Finance Limited at Autonagar Branch. On 11.12.2023, while he was at his branch, accused No.1 approached him for gold loan by pledging an ornament and informed that the said property was stolen property and requested for cash. For which, the petitioner initially refused, but accused No.1 had stated that he previously also availed loan from the same branch and had shown the document pertaining to gold loan account No.0115910700102688 dated 04.12.2023 for Rs.1,84,000/- and stated that he would not return for the said property. Then the petitioner discussed with the management i.e., Regional Manager (accused No.3) and with the knowledge of their Managing Director, they received the stolen property and gave cash to the

accused person. The SI recorded the confession of the petitioner – accused No.2, arrested him and produced before the Court on 19.01.2024.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent – State.

4. Learned counsel for the petitioner submitted that the offences under Sections 457 and 380 of IPC were not applicable to the petitioner. For applicability of Section 413 of IPC, the petitioner ought to have been convicted for the offence under Section 411 of IPC twice or more than that and relied upon the judgment of High Court of Delhi in **Ajay Sethi Vs. State**¹.

5. Learned Additional Public Prosecutor submitted that the petitioner was receiving stolen property knowing fully well that they were stolen property and pledging those properties and giving cash to the accused persons, who committed thefts, as such, opposed grant of bail to the petitioner.

6. Perused the record.

7. Considering that Sections 457 and 380 of IPC are not applicable to the petitioner and Section 413 of IPC is applicable to the

¹ Crl.A.No.788 of 2017 dated 30.08.2017

persons who were habitually receiving or dealing with stolen property. As per the judgment of the High Court of Delhi relied by the learned counsel for the petitioner, Section 413 of IPC is an aggravated form of Section 411 of IPC and for its applicability one should have been convicted for the offence under Section 411 of IPC twice or more than that and as it was reported that the petitioner joined in the said branch only on 08.12.2023 and he received the said property only on one occasion and was never convicted earlier for the offence under Section 411 of IPC, it is considered fit to grant bail to the petitioner-accused No.2.

8. In the result, the petition is allowed and the petitioner is enlarged on bail on his executing a personal bond for Rs.50,000/- (Rupee Fifty thousand only) with two (02) sureties each for the like-sum to the satisfaction of the IV Additional Chief Metropolitan Magistrate, Hyderabad. The petitioner shall comply with the conditions stipulated under Section 437(3) of Cr.P.C.

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

Dr. G.RADHA RANI, J

Date : 15.02.2024

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