

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION Nos.1747, 1878, 1880 & 1886 of 2024

COMMON ORDER:

Criminal Petition No.1747 of 2024 is filed by the petitioner – A26 under Sections 437 & 439 of Code of Criminal Procedure (for short “Cr.P.C.”) for grant of regular bail in Crime No.207 of 2023 on the file of PS C.C.S. Detective Department, Hyderabad, registered for the offences under Sections 406, 420 and 120-B of IPC.

2. Criminal Petition No.1878 of 2024 is filed by the petitioner – Accused under Sections 437 & 439 of Code of Criminal Procedure (for short “Cr.P.C.”) for grant of regular bail in Crime No.270 of 2023 on the file of PS C.C.S., Detective Department, Hyderabad registered for the offences under Sections 403, 405, 417, 420, 425, 506 of IPC, read with Section 156(3) of Cr.P.C.

3. Criminal Petition No.1880 of 2024 is filed by the petitioner – Accused under Sections 437 and 439 of Code of Criminal Procedure (for short “Cr.P.C.”) for grant of regular bail in Crime No.221 of 2023 on the file of PS, C.C.S., Detective Department, Hyderabad, registered for the offences under Sections 406, 420 and 120-B of IPC.

4. Criminal Petition No.1886 of 2024 is filed by the petitioner – Accused under Sections 437 and 439 of Code of Criminal Procedure (for short “Cr.P.C.”) for grant of regular bail in Crime No.294 of 2023 on the file of PS C.C.S., Detective Department, Hyderabad, registered for the offences under Sections 406 and 420 read with Section 34 of IPC.

5. The petitioner was one and the same in all the above cases.

6. The case of the prosecution in brief was that the accused persons had purchased various Earth moving machinery by obtaining loans from M/s.Tata Capital Financial Services Limited and with a malafide intention to cheat the bank and to gain wrongfully had colluded with third parties A24 to A44 and several other absconding persons and exported hypothecated JCBs / Excavator vehicles to other countries.

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

8. Learned counsel for the petitioner submitted that the respondent – Police had not issued any notice 41-A Cr.P.C. The Police without following the procedure or the guidelines of the Hon’ble Apex Court in **Arnesh Kumar v. State of Bihar**¹

¹ (2014) 8 SCC 273

were stating that the petitioner had violated the conditions stipulated. The petitioner was available in the address mentioned in the cause title for investigation. The petitioner was arrested in Crime No.207 of 2023 and remanded on PT – Warrant in Crime Nos.270, 221 and 294 of 2023. The entire investigation was completed. The petitioner was no more required for further investigation and prayed to enlarge the petitioner on bail.

9. Learned Additional Public Prosecutor opposed grant of bail to the petitioner stating that the petitioner had cheated several financial institutions and exported the vehicles to foreign countries, as such, the petitioner was not entitled for bail.

10. Perused the record.

11. Considering that though 45 persons were shown as accused and many of them were issued notices under Section 41-A Cr.P.C., but the petitioner and some others were not issued notices under Section 41-A Cr.P.C. and stated that they were not complying the provisions and were not supporting the Police for investigation and went absconding, but no acknowledgments of service of notice on the petitioner under Section 41-A of Cr.P.C. was filed by the Additional Public Prosecutor and it was not reported as to what were the conditions stipulated by the Investigating Officer, which were violated by the petitioner and as it was also not shown whether any permission was obtained from the Magistrate before arresting

the accused for non-compliance of Section 41-A (4) of Cr.P.C., it is considered fit to grant bail to the petitioner.

12. In the result, all the Criminal Petitions are allowed directing the petitioner to be released on bail on his executing a personal bond for Rs.25,000/- with two sureties for the like sum each in each of the four cases to the satisfaction of the Station House Officer, C.C.S., Detective Department, Hyderabad. The petitioner shall abide by the conditions stipulated under Section 437(3) of Cr.P.C.

As a sequel, miscellaneous applications pending in these petitions, if any shall stand closed.

Date: 16th February, 2024
Nsk.

Dr. G.RADHA RANI, J