

THE HONOURABLE Dr.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2661 of 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused No.4 under Section 438 of Code of Criminal Procedure to enlarge him on anticipatory bail in the event of his arrest in connection with Crime No.98 of 2020 of Panjagutta Police Station, Hyderabad, registered for the offences under Sections 405, 406, 409, 415, 420 467, 468, 471, 120-B read with 34 IPC.

2. The case of the prosecution in brief was that on the private complaint, which was referred to the police, a case in Crime No.98 of 2020 was registered for the above offences in Panjagutta Police Station. As seen from the contents of the complaint, the de-facto complainant was dealing with the supply of BPL electric service connection kits to various companies throughout India and was having his office at Delhi and factory at Dehradun, Uttarakhand. In the year 2010, accused No.5 along with his employees approached him and represented that they got reputed government projects in their hands for which they required BPL and other necessary kits related thereto, for the projects which were funded by the

Government and if they associated with them, they could get multiple orders. It was further alleged that A5 placed orders for purchase and accordingly the de-facto complainant allegedly supplied the material to A1 Company. Thereafter, A1 company failed to make payment as agreed by them and on demand, A7 issued a cheque in 2012, but the said cheque was subsequently taken back and some other cheques were issued and when the said cheques were presented, they were dishonoured. A1 failed to pay the amount to the de-facto complainant.

3. Heard Sri G. Jithender Reddy, learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent - State.

4. Learned counsel for the petitioner submitted that the petitioner resigned from the company on 25.02.2016 and a resolution was passed on 25.02.2016 and the same was also intimated to the Registrar of Companies. The petitioner had nothing to do with the alleged commission of offence. The police had completed investigation and filed charge sheet against A1, A2, A6 and A7 showing A4 and A5 as absconding. A3 expired on 02.01.2019. The allegations made against the petitioner-A4 were vague and lack in material particulars. No offences under Sections 405, 406, 409,

415, 420 467, 468, 471 were made out against the petitioner –A4 and prayed to enlarge him on anticipatory bail.

5. The learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner.

6. Perused the record. The record would disclose that the FIR was registered in the year 2020 and the entire investigation was completed and a charge sheet was filed in the month of August, 2022. The same was numbered as CC No.6534 of 2022. As seen from the contents of the complaint, it was A5 who approached the complainant for purchase of material and it was A7 who issued the cheques. No role was attributed to the petitioner in the alleged transaction except including his name in the list of accused. As it was also submitted that the petitioner resigned as a Director on 25.02.2016 itself and as it was further reported that no case under Section 138 of the Negotiable Instruments Act was filed and that the Investigating Officer also had not collected any cheques or cheque return memos, it is considered a fit case to grant anticipatory bail to the petitioner.

7. In the result, the Criminal Petition is allowed and the petitioner – A4 is granted anticipatory bail subject to the following conditions:

(i) The petitioner – A4 is directed to surrender before the Station House Officer, Panjagutta Police Station, Hyderabad, within a period of (15) days from the date of this order, and on such surrender, the said Station House Officer shall release the petitioner – A4 on bail on his executing a personal bond for Rs.50,000/- (Rupees Fifty Thousand Only) with two sureties for the like sum each to the satisfaction of the said Station House Officer.

(ii) The petitioner – A4 shall comply with all the conditions stipulated under Section 438 (2) of Cr.P.C.

As a sequel, miscellaneous applications pending in this petition, if any shall stand closed.

Dr. G. RADHA RANI, J

March 12, 2024
KTL