

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.14739 of 2024

ORAL ORDER:

The present Criminal Petition is filed praying this Court to enlarge the petitioner who is arrayed as accused No.1 in Crime No.367 of 2024 dated 20.07.2024 before the Osmania University Police Station, Hyderabad, on bail.

2. The brief facts of the case are that on 20.07.2024 the *de facto* complainant lodged a complaint stating that in the month of May 2023 he noticed an advertisement regarding selling of plots by Vijaya Infra Developers and being fascinated by the advertisement, he approached petitioner/accused No.1 who is MD of the said company and accused No.2 who is Director of the said company, for the purpose of purchasing the plot in their venture, where he was informed that there is pre launching of their plots and believing their words, the complainant paid Rs.1,00,000/- as token advance and thereafter, on 20.08.2023 and 19.11.2023 he paid two installments of Rs.6,00,000/- respectively, upon which the petitioner had allegedly promised him that his plot would be

registered, but later on the complainant discovered that after receipt of said transactions, the petitioner neither registered plot, nor responded to his requests and went on postponing the issue.

3. On receipt of the said complaint, the Police registered FIR against the petitioner on 20.07.2024 for the offence punishable under Sections 316(2) and 318(4) of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS') and subsequently, Section 5 of the Telangana Protection of Depositors of Financial Establishment Act, 1999 (for short 'Act 1999') was added. Aggrieved thereby, this Criminal Petition is filed.

4. Heard Ms.Sahithi Sri Kavya Mukkera, learned counsel for petitioner, and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent – State.

5. Learned counsel for the petitioner submitted that the alleged crime was foisted against the petitioner without evidence, and he has been falsely implicated. She further submitted that there is no incriminating material against him, so as to attract the offences as alleged against him. She

contended that viewed from any angle, no case against the petitioner under Section 5 of the Act, 1999 can be made out as there is no prior deposit in this case. She asserted that the petitioner had only agreed to sell the plot to the complainant, basing on which, the complainant paid installments as agreed upon. She lamented that though complainant averred that he has agreed to purchase the property for which he even paid huge installments, she pointed out that no agreement of sale was filed by the complainant to prove his version. She avowed that, even otherwise, instead of filing a suit for specific performance against the petitioner, the complainant filed false criminal case only with an intention to harass the petitioner. She submitted that the petitioner is in jail from last one year, therefore, prayed this Court to grant bail to the petitioner by allowing this Criminal Petition.

6. Learned Additional Public Prosecutor submitted that allegedly, the petitioner had cheated the complainant and that the investigation in the matter is under progress, therefore, prayed this Court to dismiss the Criminal Petition.

7. Having regard to the rival submissions made and on going through the material placed on record, it is noted that on receipt of complaint, the Police had initially registered case against the petitioner under Sections 316(2) and 318(4) of BNS and later on, Section 5 of the Act, was added, and on 06.11.2024 the petitioner was sent to judicial custody. Upon going through the averments of the case, this Court is of the opinion that apparently, there are absolutely no ingredients in the case, so as to attract the offence punishable under Section 5 of the Act, 1999, against the petitioner. Therefore, this Court deems it fit to grant bail to the petitioner, subject to following the below conditions:

- i. The petitioner shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties for a like sum each to the satisfaction of the learned IV Additional Chief Judicial Magistrate, at Hyderabad.
- ii. The petitioner shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) weeks, for the purpose of

investigation, and thereafter, as and when required.

- iii. The petitioner shall abide by the conditions stipulated in Section 482(2) of BNSS (previously known as Section 437(3) of Cr.P.C.).

- 8. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 06.12.2024
PT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.14739 of 2024

Date: 06.12.2024

PT