

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.15237 of 2024

ORDER:

Seeking the Court to enlarge the petitioners who are arrayed as accused Nos.3 and 4 in Crime No.87 of 2024 of EOW Police Station, Cyberabad, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that the accused persons, who are chairman and managing director of R Homes Infra Private Limited, collected the amounts from the victims in the name of bliss heights for developing the flats by promising to complete the said project. It is stated that the accused persons neither completed the said project within the prescribed time nor paying any amounts to the victims. Hence, a case was registered vide Crime No.87 of 2024 before the EOW Police, Cyberabad, for the offences punishable under Sections 420, 409 and 406 of the IPC.

3. Heard Sri Parsa Ananth Nageswar Rao, learned counsel appearing on behalf of the petitioners as well as Sri Syed Yasar Manoon, learned Additional Public Prosecutor appearing on behalf of the respondent-State.

4. Learned counsel for the petitioners *firstly* submitted that though the disputes arose due to the delay occurred in

completion of the project, a criminal case was filed against the petitioners with false and fabricated allegations. He *secondly* submitted that all the material witnesses were examined, and further detention of the petitioners is unnecessary. He *thirdly* submitted that the petitioners have been in judicial custody since 25.11.2024, causing undue hardship to their family. He *fourthly* submitted that the petitioners are residents of Kukatpally, Medchal Malkajgiri District, with movable and immovable properties, and are willing to furnish sureties as directed. He *lastly* submitted that previously, bail application of the petitioners, *vide* Crl.M.P.No.2027 of 2024, was dismissed by the XII Additional Judicial First Class Magistrate, Medchal Malkajgiri District, on 09.12.2024, without valid reasons and prayed the Court to grant bail to the petitioners by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioners stating that there are serious allegations against the petitioners and the investigation is not yet completed, therefore, granting bail to the petitioners, at this stage, does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. After considering submissions made by both the parties and reviewing the record, since the petitioners are languishing in jail from 25.11.2024 and material part of the investigation

is completed, this Court deems it fit to grant bail to the petitioners subject to the following conditions:

- i. The petitioners 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 XII Additional Judicial First Class Magistrate, Medchal Malkajgiri District at Kukatpally.
- ii. The petitioners shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) week or till filing of charge sheet whichever is earlier, for the purpose of investigation, and thereafter, as and when required.
- iii. The petitioners shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.(presently, Section 480(3) of the BNSS).

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 17.12.2024
gms

38

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.15237 of 2024

Date: 17.12.2024

gms