

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.15482 of 2024

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner, who is arrayed as accused No.2 in FIR.No.1686 of 2024 dated 20.11.2024 before the Narsingi Police Station, Cyberabad Commissionerate.

2. The brief facts of the case are that on 20.11.2024, at 18:30 hours, a complaint was received from Sairam Vavilala in which it is alleged that Rohit Mawle, introduced to him by Sai Anil Kumar Chikkala, had cheated him of Rs.19,14,22,384/- by promising high returns on investments. Rohit Mawle had issued multiple cheques, including those from Imperial Prestige International, Axis Bank, and OM Excellence, which were dishonored due to signature mismatch, blocked accounts, and stop payment instructions. Additionally, Rohit Mawle had shared forged bank deposit slips totaling over Rs.60 crores. The complainant alleged that Rohit Mawle had acted with fraudulent intent, breached trust, committed forgery, and engaged in financial deceit.

3. Heard Sri Y.Soma Shrinath Reddy, learned counsel for petitioner, Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for respondent - State.

4. Learned counsel for the petitioner submitted that the provisions of law cited by the prosecution do not apply to the petitioner, as there is no evidence to support the alleged crimes and that a bare perusal of the complaint reveals that it lacks ingredients of criminality and appears to have been filed for extraneous reasons, including extortion. He further submitted that the petitioner denies any involvement in the alleged crimes and asserts that the complainant has made no specific allegations against them and that there is no cogent or direct evidence to support the allegations of cheating, criminal breach of trust, or forgery. He contended that the investigation agency lacks material evidence and is attempting to arrest the petitioner without conducting a preliminary inquiry. Therefore, prayed this Court to grant anticipatory bail to the petitioner by allowing this Criminal Petition.

5. On the other hand, learned Additional Public Prosecutor opposed the anticipatory bail petition stating that the allegations leveled against the petitioner are serious in nature, and that the

investigation in the case is not yet completed. Therefore, he prayed the Court to dismiss the Criminal Petition.

6. Having regard to the rival submissions made and on going through the material placed on record, it is noted that the first allegation leveled against the petitioner is with regard to forging three bank deposit slips, totaling to Rs.60 crores of IndusInd Bank which were drawn on the account of complainant in Axis Bank ; and second allegation is with regard to forging signatures on the cheques given to complainant as surety and their dishonor due to various reasons, whereas, the learned public prosecutor pointed out suppression of facts by petitioner, relating to filing of writ petition and quash petition, whereunder, no relief was granted to petitioner. The averments of the case would show that dispute between the parties is monetary dispute and there are couple of business transactions between them. Therefore, this Court is of the opinion that the same would not require custodian interrogation of petitioner.

7. In view thereof, this Court deems it fit to grant pre-arrest bail to the petitioner, subject to compliance of following conditions, and ensuring his presence during the investigation and trial:

- i. The petitioner shall surrender before the Station House Officer, Narsingi Police Station, within two weeks from today, and on such surrender, the said Station House Officer shall release them on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.
 - ii. The petitioner shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and co-operate with the Investigating Officer in investigating the case.
8. Accordingly, this Criminal Petition is allowed.
- Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 19.12.2024
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