

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.3788 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused No.1 seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.776 of 2023 of Madhapur Police Station, Cyberabad, registered for the offences punishable under Sections 406, 420, 468 & 471 of Indian Penal Code, 1860 (IPC).

2. Heard Mr. MRK.Chakravarthy, learned counsel appearing through video conference for Mr. Rajesh Maddy, learned counsel for the petitioner/accused No.1 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The case of the prosecution is that on 07.07.2023 at about 16:00 hours, the Station House Officer, Madhapur Police Station, received a complaint to the effect that the complainant

had received a notice under Section 138 of Negotiable Instruments Act, through mail from Advocate on behalf of M/s.Kartikeya Trading Private Limited represented by its Managing Director- Mr. D.Mallikarjuna Rao and M/s.Elvin Industries represented by its Managing Partner- G.Vijayabhaskar *i.e.*, the petitioner herein with regard to Cheque No.000302 drawn on ICICI Bank, Begumpet, but they have never issued the said Cheque and on verification, they came to know that Cheques bearing Nos.000299, 000300, 000301 and 000302 were misplaced from the cheque book along with few unnumbered cheque leaves and signed letter heads and the complainant being close friend and business associate used to regularly visit the complainant's office regarding business purpose and he might have taken cheques from the complainant office and later when differences arose with regard to Tripura Jal Jiwan Mission project, forged the signatures of the complainant on memorandum of understanding and is blackmailing, threatening and demanding

huge amounts from the Company. Basing on the said complaint, the aforesaid Crime was registered against the petitioner/accused No.1 for the aforesaid offence.

4. Learned counsel for the petitioner/accused No.1 submits that the petitioner has not committed the offence and he has been falsely implicated in the aforesaid crime. He further submits that initially the crime was registered for the offences punishable under Sections 406, 420 and 471 of IPC and the investigating officer issued notice under Section 41-A Cr.P.C. on 28.10.2023, to appear before the investigating officer. While the investigation is going on, the investigation officer added Section 467 IPC and is trying to arrest the petitioner and the ingredients of Section 467 IPC are not applicable to the present case. He further submits that the pursuant to the notice issued under Section 41-A Cr.P.C., the petitioner has been appearing before the investigating officer and the petitioner be granted anticipatory bail as he is ready and willing

to cooperate with the investigating officer for investigation and abide by the conditions that may be imposed by the Court.

5. Per contra, learned Additional Public Prosecutor submits that the investigation is in progress and if the petitioner/accused No.1 is granted anticipatory bail at this stage, there is every chance of his influencing the witnesses and interfering with the investigation. He did not dispute the fact that the investigating officer issued notice under Section 41-A of Cr.P.C. to the petitioner.

6. Having heard learned counsel for the parties and having perused the material available on record, it reveals that initially the crime was registered for the offences under Section 406, 420, 468 and 471 of IPC and later, the investigating officer issued notice under Section 41-A of Cr.P.C., on 28.10.2023, to the petitioner to appear before him. During the course of investigation, Section 467 IPC was also added. According to learned counsel for the petitioner, pursuant to the notice under

Section 41-A Cr.P.C., the petitioner is appearing before the investigating officer.

7. In view of the same, this Court is inclined to grant anticipatory bail to the petitioner/accused No.1 subject to the following conditions:

- (i) Petitioner/accused No.1 is directed to surrender before the Station House Officer, Madhapur Police Station, on or before 29.03.2025;
- (ii) On such surrender, the Station House Officer, Madhapur Police Station, shall release the petitioner/accused No.1 on bail on his executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties for a likesum each to the satisfaction of the said Officer;
- (iii) On such release, petitioner/accused No.1 shall appear before the Station House Officer, Madhapur Police Station, on every Monday at 11:00 a.m., for a period of eight weeks for the purpose of investigation and thereafter, as and when required by the police for investigation.

(iv) Petitioner/accused No.1 shall abide by the conditions stipulated under Section 438(2) of the Criminal Procedure Code, 1973/Section 482 of BNSS and shall cooperate with the investigation officer for conclusion of investigation.

8. Subject to the above directions, the Criminal Petition is allowed. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

Date: 24.03.2025
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J.SREENIVAS RAO, J