

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION NO. 5340 OF 2025

ORDER:

This Criminal Petition is filed by the petitioner/A2, seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.581 of 2025 on the file of Madhapur Police Station, Cyberabad, registered for the offences punishable under Sections 316(5) and 318(4) of BNS.

2. Heard Sri M. Surender Rao, learned Senior Counsel representing Sri G.V.L. Murthy, learned counsel for the petitioner and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent.

3. The case of the prosecution is that on the approach of the petitioner and Accused No.1 for short term financial help, the complainant gave Rs.76.5 lakhs through various bank transfers and that when the complainant was suffering with heart surgery, he asked the petitioner and Accused No.1 to refund the amount, but they did not pay the same. Basing on the said complaint,

the present crime has been registered for the above said offences.

4. Learned Senior Counsel for the petitioner submits that the petitioner has not committed any offence and he was falsely implicated in the present crime. He further submits that the de-facto complainant filed a complaint on 25.03.2025, wherein he has not made any allegation against the petitioner. Subsequently, he lodged another complaint with the very same allegations on 05.04.2025, wherein the petitioner's name was mentioned. He further submits that the entire allegations were leveled against Accused No.1 and there are no allegations much less specific allegations against the petitioner to attract the ingredients of Sections 316(5) and 318(4) of BNS. He further submits that even according to the allegations made in the complaints dated 25.03.2025 and 05.04.2025, the de-facto complainant and Accused No.1 are having financial transactions since long back and he paid various amounts to Accused No.1, who had returned some of the amounts to the de-facto complainant. He further submits that Accused No.1 has not paid the entire amount. Therefore, to settle the disputes between the de-facto complainant and Accused No.1, the de-

facto complainant has falsely implicated the petitioner as Accused No.2 and that at no point of time, the petitioner has not received any amount from the de-facto complainant. He further submits that the petitioner is ready and willing to cooperate with the investigation and also the conditions which are going to be imposed by this Court.

5. Per contra, learned Additional Public Prosecutor submits that the petitioner has committed grave offence and investigation is under progress and at this stage, if the petitioner is granted anticipatory bail, he will influence the witnesses and interfere with the investigation. Hence, the petitioner is not entitled for grant of anticipatory bail.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the de-facto complainant initially lodged a complaint on 25.03.2025, wherein he has not made any allegation against the petitioner and only made the allegation against Accused No.1. Subsequently, the de-facto complainant filed another complaint on 05.04.2025 wherein the name of the petitioner was mentioned. Even according to the complaint, the

de-facto complainant has given amount to Accused No.1 four years back and also given hand loan in the year 2023. However, Accused No.1 returned Rs.2.5 crores and had not returned the entire amount. Insofar as the petitioner is concerned, the de-facto complainant stated that the petitioner has taken an amount of Rs.76.5 lakhs. According to the learned Senior Counsel, the petitioner has not received any amount. According to the learned Additional Public Prosecutor the petitioner is not having criminal antecedents and he has not involved in any other offence.

7. Taking into consideration all the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(i) The petitioner/A2 is directed to surrender before the Station House Officer, Madhapur Police Station, Cyberabad, on or before 28.04.2025;

(ii) On such surrender, the Station House Officer of Madhapur Police Station, Cyberabad, shall release the petitioner/A2 on bail on executing a personal bond for a sum of Rs.50,000/- (Rupees

Fifty thousand only) with two sureties for a like sum each to the satisfaction of the said Officer;

(iii) On such release, the petitioner/A2 shall appear before the Station House Officer, Madhapur Police Station, Cyberabad, 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) The petitioner/A2 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. Accordingly, the Criminal Petition is allowed.

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

Date: 21.04.2025
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J.SREENIVAS RAO, J