
(2013) 07 AP CK 0008

In the Andhra Pradesh High Court

Case No : Criminal Petition No. 7825 of 2013

M. Madhusudhan Reddy and Another

APPELLANT

Vs

D. Rajender Reddy

RESPONDENT

Date of Decision : 31-07-2013

Acts Referred:

Citation : (2013) 3 ALT(Cri) 185

Hon'ble Judges : B. Chandra Kumar, J

Bench : Single Bench

Advocate : Krishna Reddy Putta, for the Appellant;

Final Decision : Dismissed

Judgement

B. Chandra Kumar, J.—This petition is filed by the petitioners u/s 438 of the Criminal Procedure Code seeking to grant anticipatory bail in Crime No. 438 of 2013 of Dundigal Police Station, Cyberabad, Ranga Reddy District, registered for the offence punishable u/s 420 I.P.C. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the State.

2. It is the case of the de facto complainant that the 1st petitioner herein is A.1 and he introduced the 2nd petitioner who is A.2 to her when she expressed her intention to purchase a plot.

3. According to the de facto complainant, 1st petitioner induced the de facto complainant to purchase a plot and the said plot was registered vide document No. 6876/2007 on 9-4-2007 through one Sanjeeva. Subsequently, some unknown persons started construction in the said plot and on verification, it is found that de facto complainant was cheated.

4. Learned Additional Public Prosecutor has shown a receipt said to have been executed by the 2nd petitioner-A.2 and the same is attested by the first petitioner A.1 to the effect that the second petitioner received a sum of Rs. 3,00,000/- towards his consideration of open plot No. 9 Survey No. 71.

5. A reading of the entire material gives an impression that the de facto complainant was cheated.
6. The de facto complainant has also alleged that the petitioners have threatened her when she requested to return the amount.
7. Learned counsel for the petitioners submits that when the de facto complainant approached the 2nd petitioner, the 2nd petitioner himself directed her to approach a lawyer and the lawyer directed her to file a case against the seller-Sanjeeva. However, a reading of the entire material gives an impression that it is the petitioners who induced the de facto complainant to part with the consideration amount of Rs. 4,53,000/-. When it appears that innocent persons are cheated and robbed by playing fraud and subsequently threatened, the accused, who indulge in such criminal acts are not entitled for the discretionary remedy of anticipatory bail.
8. Anticipatory bail is a discretionary relief.
9. Unless there are special reasons, the courts are not expected to grant the relief of anticipatory bail. The relief of anticipatory bail cannot be granted in a casual manner. The courts must examine the nature and gravity of the alleged offences, particularly, in cases of economic offences and cheating of innocent public is alleged, the courts must verify whether a prima facie case has been made out or not. Considering specific role played by each of the accused, the courts should consider whether anticipatory bail can be granted or not.
10. In this case, since the petitioners appears to have cheated the de facto complainant, I am of the view that the petitioners are not entitled to the anticipatory bail. Accordingly, this Criminal Petition is dismissed.