

(2025) 06 AP CK 0146

In the Andhra Pradesh High Court, Amaravati

Case No : Criminal Petition No: 5716 Of 2025

Paladugu Sri Harshavardhini @ Harsha Vardhini

APPELLANT

Vs

State Of Andhra Pradesh

RESPONDENT

Date of Decision : 12-06-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 482
Indian Penal Code, 1860 — Section 34, 120(b), 409, 420, 506, 509

Citation : (2025) 06 AP CK 0146

Hon'ble Judges : Kiranmayee Mandava, J

Bench : Single Bench

Advocate : V V Satish

Final Decision : Allowed

Judgement

Kiranmayee Mandava, J

1. The present application is filed under Section 482 of B.N.S.S., for grant of anticipatory bail in the event of arrest of the petitioner/accused No.4 in connection with the FIR No.60 of 2025 on the file of the Pattabhipuram Police Station, Guntur District for the offences punishable under Sections 120(b), 409, 420, 506, 509 r/w 34 IPC.

2. The de-facto complainant is an authorized representative of a company namely M/s. Mahi Agrilmpex Pvt. Ltd., which is engaged in the business of Real Estate had lodged a Police complaint, lodged a complainant on behalf of the Company alleging that the accused have approached the Managing Director of M/s. Mahi Agrilmpex Pvt. Ltd., to make investment in their company promising good returns. Got attracted to the false promises, Managing Director of M/s. Mahi Agrilmpex Pvt. Ltd., has transferred amounts to a tune of Rs.11,62,04,400/- to the Accused No.1. After receiving the money the accused have refused to execute any sort of agreement in favour of M/s. Mahi Agrilmpex Pvt. Ltd.,. Thus the subject FIR has been lodged.

3. The learned counsel for the petitioner would submit that the subject transaction is a commercial transaction between two companies and there was an agreement between the M/s. Mahi Agrilmpex Pvt. Ltd., and M/s. Vijaya Lakshmi Township NRT Pvt. Ltd., to develop and form a residential layout in an extent of Ac.40.54 cents in Molakaluru Village, Narasaraopeta, Mandal Palnadu District and the said layouts have been approved. And in that connection, for any reason if the alleged project does not go further at the expected pace, attributing criminality intention to the members of the Company and lodging an FIR seeking arrest of the petitioner who has nothing to do with the affairs of the Company and who is the mother of a toddler is nothing but to compel the Company, to whom the monies were alleged to have been advanced/ invested, to yield to their demands. He further argues that the entire transaction between two business entities, be it a loan or an investment, is civil, and no element of mens rea is involved in it. It is further argues that the petitioner would cooperate with the investigation in all means accordingly sought for grant of anticipatory bail.

4. Perused the record. The allegation of the defacto complainant, who is stated to be the authorized representative of M/s. Mahi Agri Impex Pvt. Ltd, is that M/s. Mahi Agri Impex Pvt. Ltd has made investments in M/s. Vijaya Lakshmi Township NRT Pvt. Ltd., which is engaged in real estate business. It is not the case of the defacto complainant that the petitioner was responsible for the affairs of the Company either as a Director or member of the Company, in which the alleged investments were made by M/s. Mahi Agri Impex Pvt. Ltd, at the relevant point of time. It is not the case of the prosecution that if a bail is granted she would flee away. Having regard to the nature of the accusations made against the petitioner, and it does not appear from the record that the petitioner would tamper with evidence and it does not appear that custodial interrogation is required.

5. Therefore having regard to the contentions advanced, this Court deems it appropriate to grant anticipatory bail on following conditions:

I. In the event of petitioner's arrest, petitioner herein/accused No.4 shall be released on bail on executing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only), with two sureties for the like sum to the satisfaction of the Station House Officer,

II. The petitioner shall make herself available for investigation as and when required.

III. The petitioner shall not cause any threat, inducement or promise to the prosecution witnesses.

6. With the above directions, the Criminal Petition is allowed.