

[3240]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

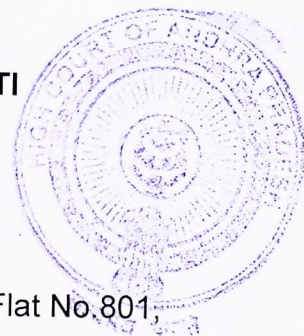
THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER,

TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO: 5141 OF 2021



Between:

S.K.Singh, S/o Randhir Kumar, aged about 46 years, Occ: Business, R/o Flat No.801
D-Block, Swetha Aryan Apartments, Pipeline Road, Jeedimetla, Hyderabad

...Petitioner

AND

The State of Andhra Pradesh, through The Station House Officer, Chillakallu PS,
Krishna District, Rep by Public Prosecutor High Court, Amaravati

...Complainant/Respondent

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the memorandum of grounds of Criminal Petition, the High Court may be pleased to direct the respondent to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.840 of 2021, dated 03-08-2021 on the file of Chillakallu Police Station, Krishna District pending enquiry, and trial.

The petition coming on for hearing, upon perusing the Petition and memorandum of grounds of criminal petition and upon hearing the arguments of Pillix Law Firm for the Petitioner and Assistant Public Prosecutor for the Respondent, the Court made the following.

ORDER:

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.5141 of 2021

ORDER:-

This petition is filed under Sections 438 of Code of the Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking pre arrest bail to the petitioner/Accused in the event of his arrest in connection with Crime No.840 of 2021 of the Station House Officer, Chillakallu Police Station, Krishna District for the offences punishable under Sections 420 of 409 of the Indian Penal Code, 1860 (for short 'IPC').

2. A report was lodged by *de facto* complainant on 03.08.2021 stating that they engage in the steel business and operate a DRI (sponge iron) plant in Jayanthipuram village and he is working as Personal Officer in the said company. The petitioner approached them to operate the said unit and made them into an agreement and he obligated to pay the share as agreed. He took control of the unit and he did not stick to his commitment and rather sold some of the machinery, raw material and the dolochar to third parties behind their back. His deliberate pretention and the theft of their property were not made known to them because he was operating the unit. It is further stated that the petitioner induced them to give him over the control of the unit and committed malpractices and with an ulterior motive had not fulfilled his commitments and made them to incur a loss more than Rs.25.00 lakhs. Basing on the said complaint, the present crime was registered.

3. Heard M/s.Pillix Law Firm, learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for petitioner submits that as per the complaint, the petitioner has entered into lease with the *de facto* complainant and the lease deed for a period of eleven months and it expired by 11.09.2020. Subsequently, it was extended upto 31.03.2021. Due to financial crises faced by the petitioner, he could not pay the lease amount, ^{and} the present complaint is filed. Further neither Section 420 of IPC nor 409 of IPC have no application to the facts of the case. Hence, his case may be considered for grant of pre-arrest bail.

5. Learned Assistant Public Prosecutor submits that investigation is pending and four witnesses are examined.

6. Taking into consideration the dispute between the parties appears to be civil in nature, this Court deems it appropriate to grant pre-arrest bail to the petitioner.

7. Accordingly, this Criminal Petition is allowed. The petitioner/ Accused shall be released on bail in the event of his arrest in connection with Crime No. 840 of 2021 of the Station House Officer, Chillakallu Police Station, Krishna District on condition of executing self bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties for a likesum each to the satisfaction of the Station House Officer, Chillakallu Police Station, Krishna District.

Consequently, miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

Sd/-T.Madhavi
ASSISTANT REGISTRAR

For SECTION OFFICER

To,

1. The Station House Officer, Chillakallu Police Station, Krishna District.
2. One CC to Pillix Law Firm [OPUC]
3. Two CCs to Assistant Public Prosecutor, High Court of AP [OUT]
4. One spare copy

MM

A.R.

HIGH COURT

LKJ

DATED:16/09/2021

ORDER

CRLP.No.5141 of 2021

ALLOWED

