

**HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY**

**CRIMINAL PETITION No.1482 OF 2020**

**ORDER:-**

This petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C."), to enlarge the petitioners on bail in the event of their arrest.

2. The petitioners are accused Nos.2 to 4 in crime No.33 of 2020 of III Town Police Station, Visakhapatnam City.

3. The alleged offences against them are under Sections 420, 468 and 471 read with Section 120-B of the Indian Penal Code, 1860 (for short "I.P.C.").

4. It is the case of the prosecution that A-2 is the wife of A-1. A-3 executed an agreement to sell in favour of A-1 and A-2, for sale of the property in question, claiming to be the owner of the said property. On the basis of the said agreement to sell, A-1 and A-2 availed Rs.73,00,000/- of loan from the State Bank of India. Thereafter, the bank authorities came to know that A-3 has no title to the said property and all the accused colluded together and hatched up conspiracy and created the agreement to sell even though A-3 had no title to the said property and thereby availed a loan of Rs.73,00,000/- from the bank on the basis of the said agreement to sell and thereby cheated the bank. Therefore, they have committed the aforesaid offences.

5. Heard learned counsel for the petitioners and the learned Additional Public Prosecutor.

6. The case of the prosecution is that A-3 without having any title to the property in question, executed an agreement to sell

in favour of A-1 and A-2 and on the basis of said agreement to sell, they availed loan of Rs.73,00,000/- from the bank and cheated the bank. To prove that, A-3 got title to the property in question and that she is competent to execute an agreement to sell in respect of the said property, the petitioners did not produce any document in proof of her title to the property. It is not even asserted in the petition that she got title to the said property. Therefore, the accusation made against the petitioners that they have cheated the bank on the basis of a sham and spurious document, is *prima facie* well founded. Having regard to the seriousness of the allegations and as it is a case of cheating the bank to a tune of Rs.73,00,000/-, this Court is of the considered view that it is not a fit case for grant of anticipatory bail to the petitioners. The mere fact that A-1 was already arrested and enlarged on bail is not a ground for grant of anticipatory bail to the petitioners. This is an anticipatory bail application and the petitioners cannot be treated on par with A-1, who was arrested and released on regular bail.

7. Therefore, the Criminal Petition is dismissed.

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**JUSTICE CHEEKATI MANAVENDRANATH ROY**

Date : 24-03-2020

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**THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY**

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