

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No: CRLP No.3598 of 2021

COURT PROCEEDINGS

Item. No.	DATE	ORDER	OFFICE NOTE
	13.07.2021	<p>LKJ</p> <p>ORDER:-</p> <p>This petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking pre-arrest bail to the petitioners/A-3 and A-6 in the event of their arrest in connection with Crime No. 575 of 2021 of Nallapadu Police Station, Guntur Urban District registered for the offences punishable under Section 420 and 417 r/w 34 of the Indian Penal Code, 1860.</p> <p>2. A report was lodged by <i>de facto</i> complainant stating that they are about 200 members in their village and for the past many years, the accused and their children collected money from them in deceitful manner and claiming responsibility for the said money. The accused have acquired sites, and gold with the said money and finally cheated them. Since they are daily wage earners, they are suffering a lot. In the meanwhile, they came to know that the accused are leaving the village to evade the payment of money. Basing on the said complaint, the present crime is registered.</p> <p>3. Heard Sri Ramarao Kochiri, learned counsel for the petitioners and the learned Assistant Public Prosecutor for the respondent-State.</p> <p>4. Learned counsel for the petitioners submits that the report was lodged making all omnibus allegations and there are no specific allegations against the petitioners and entire family of the petitioners has been implicated in this case for the reasons best known to them. In the complaint, it is nowhere stated that when, where and how the petitioners have taken money from the complainant and other villagers that itself shows that petitioners have been implicated in this case. It is stated that all the petitioners are residing at Hyderabad and working as Software Engineers at Hyderabad as such, the petitioners are unconnected with any of the allegations made in the complaint. Hence, the case of the petitioners may be considered for pre arrest bail.</p> <p>5. On the other hand the learned Assistant Public Prosecutor submits that investigation is pending and so far eight witnesses were examined and already accused Nos.1, 2 and 4 were arrested. He submits that initially offences under Sections 420 and 417 r/w 34 IPC were registered, subsequently, Section 5 of the Depositors Act was added. He submits that a proposal sent to transfer this case to CID. It is submitted that custodial interrogation of the petitioners is necessary, as such, they are not entitled for pre arrest bail.</p> <p>6. Looking at the allegations in the complaint where there are no specific overt acts against the petitioners herein and particularly taking into consideration the fact that these petitioners are residing at Hyderabad working as Software Engineers and <i>prima facie</i> it appears that without any specific overt acts, the entire family is arrayed as accused. Hence, this Court deems it appropriate to grant pre-arrest bail to the petitioners.</p> <p>7. Accordingly, this Criminal Petition is allowed. The petitioners/A-3 and A-6 shall be released on bail in the event of their arrest in connection with Crime No. 575 of 2021 of Nallapadu Police Station, Guntur Urban District on condition of executing self bond for Rs.20,000/- (Rupees twenty thousand only) each with two sureties for a likesum each to the satisfaction of the Station House Officer, Nallapadu Police Station, Guntur Urban District. the petitioners shall co-operate with the investigation. The prosecution is at liberty to move an application for cancellation of bail if the petitioners fail to comply with any of the conditions imposed.</p> <p>Consequently, miscellaneous applications pending, if any, shall stand closed.</p> <p align="right">LKJ</p> <p>KA</p>	