

THE HON'BLE SRI JUSTICE T.MALLIKARJUNA RAO**CRIMINAL PETITION NO.5284 of 2023****ORDER:**

This Criminal Petition has been filed by the petitioner/A14 (represented by A13/Palakurthi Venkanna Babu), under Section 438 of Cr.P.C., seeking anticipatory bail in Cr.No.170 of 2014 of Guntakal Rural Police Station, Ananthapur District, in the event of his arrest in the above crime. This is the first anticipatory bail application.

2. The above crime was registered against the petitioner/accused No.14 (represented by A13/Palakurthi Venkanna Babu) herein and others for the offences punishable under Sections 420, 406, 120 (B) read with 34 of I.P.C, Sections 3 & 5 of the A.P. Protection of Depositors of Financial Establishment Act, 1999 and Sections 4 & 5 of the Prize Chits and Money Circulation Scheme Banning Act, 1978.

3. The case of the prosecution is as follows:

M/s. Maithri Plantation and Horticulture Private Limited/Accused No.1 indulged in conspiracy, cheating, misappropriation and violation of A.P. Protection of Depositors Financial Establishment Act, 1999 during the period from 2006 to 2013. Accused No.1/Company was established by A6, A7, A8,

A10, A11 and A12. A13 is the agent of A1/Company, who is the petitioner herein.

4. Learned counsel for the petitioner submits that the petitioner is only a collection agent and he has no role in the alleged commission of offences. He further submits that most of the accused have been released on anticipatory bail.

5. On the other hand, learned Assistant Public Prosecutor opposed granting of anticipatory bail to the petitioner by contending that the petitioner/accused is not only an agent but also the founder of the Guntakal branch and other branches in Rayalaseema region. The petitioner collected deposits from customers and actively participated in the promotional activities of the company.

6. Heard both sides.

7. Now, the point for consideration is:

Whether the petitioner/A14 (represented by A13/Palakurthi Venkanna Babu) can be released on grant of anticipatory bail?

POINT:

8. Perused the entire material on record. As seen from the record a charge sheet has already been filed as against the petitioner and others. It seems that charge sheet has been filed in the year 2021, which shows that the police could not able to

apprehend the accused though the alleged offence occurred in the year 2014. It appears that previously the accused has also filed an application seeking similar relief in his individual capacity in Criminal Petition No.5154 of 2023 and this Court dismissed the said application with an observation that petitioner can surrender before the trial Court below and move an application for regular bail. Without complying with the said direction of this Court, again he approached this Court simply because charge sheet has been filed against them, it cannot be considered as an incentive to the petitioner to evade arrest for a considerable period.

9. In the said facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioner/accused No.14(represented by A13/Palakurthi Venkanna Babu). Accordingly, the point is answered.

10. In the result, the petition is dismissed.

JUSTICE T.MALLIKARJUNA RAO

03.11.2023
PKR

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Dated: 03.11.2023

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