

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.818 of 2015

ORDER:

The petitioner, who is an accused in Crime No.605 of 2014 of Kothapet Police Station, Gudur Urban District, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in the above crime registered for the offences punishable under Sections 353, 170, 354, 420, 511 IPC.

The case of the prosecution is that on 25-12-2014 at about 7 pm the accused is alleged to have gone to crafts bazaar posing himself as Sales Tax Officer and demanded the persons present in the shop to show the bill books. He also demanded them to pay the amount, if there are no books. Apart from that, the petitioner is alleged to have misbehaved with two female employees working at the stall, thereby, outraging their modesty. The averments in the report disclose that even earlier the petitioner has attempted to cheat the informant, who is the manager of Lepakshi Handi Craft Emporium in the exhibition conducted at Crafts Bazaar. Basing on these allegations, the above report came to be registered.

Heard learned counsel for the petitioner and learned Public Prosecutor representing the State.

Learned counsel for the petitioner submits that even accepting the allegations in the report to be true, no offence under Sections 353, 354 and 420 IPC is made out. According to him, the informant cannot be treated as Government employee and as such initiation of proceedings under Section 353 IPC itself is illegal. He also submits that the present case has been filed against him as he was collecting information against the functioning of Lepakshi Emporium under the Right to Information Act.

Learned Public Prosecutor strenuously opposed the petition

contending that the statements of LWs 1 to 4 who are the victims cannot be thrown out as they have no motive to speak falsehood. He further submits that the petitioner is habituated to collect money from the customers and one such incident is reflected in the report itself.

A perusal of the material on record discloses that the petitioner impersonated himself as Sales Tax Officer and wanted the employees in the shop to show the bill books. He demanded Rs.50,000/- to be paid if they are no books. The person present in the shop immediately informed the same to the informant, who is the Manager of the Emporium. When both of them reached the shop, they noticed the petitioner catching hold the hands of two sales girls in the shop and abusing them in vulgar language. When questioned as to why he is doing the same, the petitioner is alleged to have told them that he is a Sales Tax Officer. A perusal of the statements of LWs 3 and 4 who are sales girls clearly disclose that the petitioner misbehaved with them, apart from abusing them in vulgar language. In view of the fact that earlier the very same informant lodged the report against the petitioner, which came to be registered as Cr.No.16 of 2014 of Arundelpet Police Station on 07-01-2014 for the offence punishable under Section 353 IPC, the learned counsel for the petitioner strenuously contends when the informant has lodged a report earlier against the petitioner, the question of petitioner again disclosing to the informant that he is a Sales Tax Officer appears to be absurd. But the said argument cannot be accepted for the reason that the informant was not present in the shop when the petitioner visited the shop at the first instance, only the Care taker and two sales girls were present in the shop at that time. One of the ground urged by the learned counsel for the petitioner is that when the petitioner was collecting information against the Lepakshi Emporium, the present report is lodged. But the material on record discloses that the petitioner applied for certain documents in the month of May, 2014

which is merely six months prior to the date of incident.

Having regard to the said circumstances, I am not inclined to grant anticipatory bail to the petitioner. However, the petitioner, if so, advised shall surrender before the concerned Court and move an application for grant of bail after giving notice to the Public Prosecutor, in which event, the Court concerned shall deal with the same in accordance with law on the same day or at least on the next day. Accordingly, the Criminal Petition is disposed of.

As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

13-02-2015

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