

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 3169 of 2015

ORDER:

The petitioner, who is accused No.1 filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.13 of 2015 of Nellore IV Town Police Station, registered for the offences punishable under Section 420 IPC, Section 4 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978 and Section 5 of the Andhra Pradesh Protection of Depositors of Financial Establishments Act, 1999.

The case of the prosecution is that on 10.01.2015 the informant lodged a report stating that he joined as subscriber in a chit for Rs.5,00,000/- in Simhapuri Financial Services which was run by the accused. In total the informant paid 10 months subscription ie. Rs.1,29,760/-. It is further stated that the wife of the informant also joined in a scheme run by the accused and she paid Rs.32,000/- in 16 monthly instalments @ Rs.2,000/-. When the informant went to Simhapuri Financial Services, he found the office locked and when enquired came to know that the accused closed the office without paying money to the subscribers, thereby cheating them. Basing on these allegations the above case came to be registered.

Heard learned counsel for the petitioner and learned Public Prosecutor appearing for the respondent-State.

Learned counsel for the petitioner submits that even accepting the allegations in the report to be true, no offence is made out against the petitioner. According to him, there are no specific allegations against the petitioner.

Learned Public prosecutor opposed the application contending that the petitioner and one Neelam Srinivasa Rao (accused No.2) cheated the subscribers by collecting huge amounts.

A perusal of the material on record would show that the petitioner along with accused No.2 started chit business by establishing a finance office, collected huge amounts from the subscribers and failed to return the same when it became due. Thereafter, the petitioner and accused No.2 left the place without any intimation to the subscribers. Having regard to the circumstances stated above, I am not inclined

to grant anticipatory bail to the petitioner.

Accordingly, the Criminal Petition is dismissed. However, the petitioner, if so advised, shall surrender before the Court concerned and move an application for regular before the appropriate Court after giving prior notice to the Public Prosecutor, in which event the same shall be dealt with in accordance with law at the earliest.

JUSTICE C. PRAVEEN KUMAR

17.04.2015

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