THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 1033 of 2015

ORDER:

The petitioner, who is accused No.11 filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.11 of 2012 of Pasra Police Station, Warangal District, registered for the offence punishable under Sections 120-B, 403, 406 and 420 r/w 34 I.P.C. and Section 5 of A.P.Protection of Depositors of Financial Establishment Act, 1999 and Sections 4,5(a)(b)(c)(d)(e)(f) of Prize Chits and Money Circulation Schemes (Banning) Act, 1978.

The case of the prosecution is that accused Nos.1 to 4 are alleged to have introduced a scheme of flow of money. Pursuant to which, if any individual pays Rs.1050/- from the first month towards subscription/I.D. amount, Rs.1025/- will be paid to the Trust and the remaining amount Rs.25/- shall be paid to agents and sub-agents. From the second month onwards Rs.1000/- will be paid to the Trust and Rs.50/- will be paid to the agents and out of Rs.50/-, a commission of Rs.25/- will be taken by the first agent and the remaining Rs.25/- will be paid to the sub-agents and likewise the chain goes on. The fraud came into light when the accused defaulted in payment of money to the subscribers. The material on record discloses that in all an amount of Rs.58 Crores was collected by the main agents along with their sub-agents. Basing on these allegations, the above case came to be registered.

The learned counsel for the petitioner mainly submits that even accepting the allegations in the remand report to be true, no offence is made out against the petitioner, who is only an agent of the main accused.

The learned Additional Public Prosecutor opposed the application contending that the case is still under the investigation and in view of the allegations made the petitioner does not deserve for anticipatory bail.

A perusal of the material on record discloses that out of twenty two accused, A1 to A4, A8 to A10, A16, A20 and A21 were arrested and released on bail whereas A5, A6, A11, who is the petitioner herein and accused No.19 and A22, are shown as absconding. It is not in dispute that the petitioner is only an agent but he used to collect money from the subscribers and pay the same to the Trust for more commission. However, the confession of co-accused discloses collection of money from the depositors and spending the same for other purposes. Earlier this Court by an order dated 19.01.2015 passed in Criminal Petition No.16330 of 2014 rejected the anticipatory bail application filed by accused No.22. Since the petitioner stands on the same footing as that of accused No.22, the request of the petitioner cannot be considered.

Accordingly, the Criminal Petition is dismissed. However, it is left open to the petitioner to surrender before the Court concerned and make an application for regular bail by giving prior notice to the learned Public Prosecutor, in which event the said Court shall dispose of the same in accordance with law at the earliest.

JUSTICE C. PRAVEEN KUMAR

24.02.2015
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