

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.578 of 2015

ORDER:

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The petitioner, who is A-1 in Crime No.393 of 2014 of II town Police Station, Visakhapatnam, filed the present petition under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with the above crime registered for the offences punishable under Sections 420 and 406 r/w.34 IPC.

The case of the prosecution is that the petitioner along with one P.Suryanarayana made the informant and his father believe that there are Group-D posts and if an amount of Rs.3.00 lakhs is paid, they can secure a job to the informant. The averments in the report also disclose that the informant along with 11 others paid Rs.3.00 lakhs each to the petitioner herein. Subsequently, the petitioner evaded them and was postponing the issue on one pretext or the other. Further, he also failed to repay the money. Basing on these allegations, the above report came to be lodged.

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

Learned counsel for the petitioner submits that earlier a case in Cr.No.367 of 2014 of IV Town Law and Order Police Station, Visakhapatnam came to be registered against the petitioner for the very same offence. In CrI.P.No.11282 of 2014, this Court directed the trial Court to consider the request for grant of bail in favour of petitioner with necessary conditions preferably on the same day if not atleast by next day. Relying upon the said judgment, learned counsel for the petitioner submits that the request of the petitioner may be considered on the same day on certain terms and conditions.

Learned Public Prosecutor opposed the application contending

that order passed by this Court is quite contrary to the judgment of the Supreme Court.

Having regard to the nature of the allegations made and taking into consideration the order passed earlier by this Court in Crl.P.No.11282 of 2014, the present application is disposed of directing the petitioner to surrender before the concerned Court and make an application for bail after giving notice to the Public Prosecutor, in which event, the Court concerned shall deal with the same at the earliest in accordance with law keeping in view the earlier order passed by this Court.

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

JUSTICE C. PRAVEEN KUMAR

09-02-2015

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