

HON'BLE SRI JUSTICE P.NAVEEN RAO

CRIMINAL PETITION No.16539 of 2014

ORDER:

The petitioner/A.2 filed the present application under Section

438 of the Code of the Criminal Procedure (Cr.P.C.), seeking release in the event of his arrest in connection with Crime No.307 of 2011 of Dichpally Police Station, Nizamabad District, registered for the offence punishable under Section 420 IPC.

2. The case of the prosecution is that on 12.04.2011 at 2.00 p.m., the accused persons induced the *de facto* complainant to part away a sum of Rs.1,20,000/- on the pretext for obtaining visa to send him to Marshes for eking livelihood. It is also alleged that the accused made the *de facto* complainant to believe that he would get net salary of Rs.65,000/- per month in Marshes and subsequently, they took the complainant to Mumbai and also took him to Chathrapathi International Airport as if the complainant was being sent to Marshes and from there they disappeared. Basing on these allegations, the above case came to be registered.

3. Petitioner filed CrI.M.P.No.967/2011 before the I Additional Sessions Judge, Nizamabad, praying to grant anticipatory bail and the same was dismissed by order dated 14.10.2011.

4. Heard learned counsel for the petitioner and the learned

Public Prosecutor appearing for the respondent-State.

5. Learned counsel for the petitioner submitted that the petitioner is falsely implicated into the crime and the allegations alleged against him in the complaint do not constitute any offence and in abuse of process of law.

6. Having regard to the above, the Criminal Petition is disposed of giving liberty to the petitioner/A.2 to surrender before the learned

II Additional Judicial First Class Magistrate, Nizamabad, and move regular bail after giving notice to the learned Public Prosecutor concerned, and in such an event, the learned Magistrate is required to consider on its own merits the application to grant bail preferably on the same day, if not at least on next day and subject to such conditions as may be necessary, in accordance with law.

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

JUSTICE P.NAVEEN RAO

13th January 2015

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