

**HON'BLE SRI JUSTICE C.PRAVEEN KUMAR**

**CRIMINAL PETITION No.1880 of 2016**

**ORDER:**

The petitioner, who is accused No.1 in Crime No.37 of 2016 of Malakpet Police Station, Hyderabad City, filed the present Criminal 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 Section 384 IPC and Section 3 (5) of the Andhra Pradesh (Telangana Area) Money Lenders Act.

The case of the prosecution is that on 08.02.2016 while the Sub-Inspector of Police along with staff were on patrolling duty, received credible information that Shaik Azharuddin, marketing executive collecting high rate of interest from the needy borrowers. Immediately, the Sub-Inspector of Police proceeded to near 107 bus stop, in front of Venkatadri theatre and found accused No.2 moving with daily collection dairy/small pocket book and on examination he disclosed his name and stated that the petitioner/accused No.1 is doing finance business and on the basis of the instructions given by him, he is collecting money from the borrowers. Basing on these allegations the above case came to be registered.

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

Learned counsel for the petitioner submits that the allegations in the report are all false and invented for the purpose of this case. He further submits that the petitioner never instructed accused No.2 to collect the amount on his behalf.

Learned Additional Public Prosecutor opposed the application contending that the allegations in the report do *prima facie* make out a case against the petitioner as such the petitioner is not entitled for any

relief.

It is stated by the learned Additional Public Prosecutor that though accused No.2 disclosed that he is collecting money at the instance of his owner ie. Accused No.1, but the police failed to search the premises from where accused No.1 was carrying out the business. Hence, the petitioner shall surrender before the Court concerned and move an application for regular bail after giving prior notice to the Public Prosecutor, in which event the same shall be dealt with on the same day in accordance with law, having regard to the circumstances stated above.

With the above direction, the Criminal Petition is disposed of.

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**C. PRAVEEN KUMAR, J**

25.02.2016

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