

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION No.3184 of 2015

ORDER:

The petitioner, who is the sole accused in Crime No.4 of 2016 of Karlapalem Police Station, Guntur District, 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 an offence punishable under Section 420 IPC.

The case of the prosecution is that on 28.01.2016 a report came to be lodged stating that the petitioner herein collected huge amount of money from the residents of Buddam Village promising to provide the employment but subsequently failed to do so. 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 mainly submits that though the alleged transaction took place in the month of July, 2013 but a report came to be lodged on 28.01.2016. He further submits that the allegations made in the report are vague and invented for the purpose of this case.

Learned Additional Public Prosecutor opposed the application.

A perusal of the averments would show that in the month of July, 2013 the petitioner came to Buddam village, contacted the father of the informant and collected an amount of Rs.4,30,000/- promising to provide employment to the informant. Subsequently, the petitioner came to Buddam village on several times and promised the friends and relatives of the informant of providing employment in railways. Accordingly he is alleged to have collected a sum of Rs.14,30,000/-. The averments in the report also discloses that on 13.10.2014, after much persuasion, the

petitioner repaid Rs.7.00 lakhs promising to repay the remaining amount but failed to do so. It is true that in the month of July, 2013 the father of the informant paid Rs.4,30,000/- and the report was lodged in the month of January, 2016 but the reason for the delay is that when the petitioner failed to provide employment as promised, the informant and others were pursuing for recovery of money and having failed in their efforts, the present report came to be lodged. Therefore, it cannot be said that there is delay in lodging the report. Having regard to the fact that number of residents of Buddam village were cheated by the petitioner, I am not inclined to grant anticipatory bail to the petitioner. But however having regard to the fact that the petitioner has repaid Rs.7.00 lakhs, the petitioner shall surrender before the Court concerned and make an application for regular bail after giving prior notice to the Public Prosecutor concerned, in which event the same shall be dealt with on merits in accordance with law at the earliest.

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

C. PRAVEEN KUMAR, J

21.03.2016

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