

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR
CRIMINAL PETITION No.1492 OF 2016

ORDER:

The petitioner, who is A-3, in Crime No.656 of 2015 of Medipally Police Station, Cyberabad, filed the present application under Section 438 CrPC., seeking release in the event of his arrest in connection with the above crime registered for the offence punishable under Sections 406 and 420 of IPC.

One K. Srinivas lodged a report stating that A-1 opened Pension Fund Regulatory Development Authority (PFRDA) NPS organization and appointed the informant and others from Telangana and Andhra Pradesh as District Incharges. He is said to have collected an amount of Rs.2,10,000/- as refundable security deposit from District Incharges and an amount of Rs.30,000/- from B.D.Os. A-1 opened his office at Raghavendra Nagar Colony, Peerzadiguda and since last six months the informant along with others were demanding for return of either money or the NSP Cards, to which the petitioner was postponing the same on one pretext or the other. A-1 is alleged to have collected an amount of Rs.10 crores approximately from the customers and cheated them by not returning the NSP Cards. The averments further disclose that A-1 has appointed nearly 11 members as

District incharges, 400 members as BDOs and cheated nearly 5000 members along with the petitioner herein. 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 report to be true no offence is made out against the petitioner. He submits that since A-1 and A-2 were already enlarged on bail and as the investigation is complete, the petitioner also deserves to be released on bail.

On the other hand, the learned Additional Public Prosecutor opposed the application disputing the argument of the learned counsel for the petitioner.

A perusal of the material placed on record would show that A-1 was appointed as an authorized dealer by the Pension Fund Regulatory Development Authority (PFRDA), Central Government vide Code No.10347. The concept of PFRDA is to provide pension to the persons who were below the poverty line and to the persons who are at the age of 18 to 60 years. It is said that the persons who joined in the scheme will deposit an amount of Rs.1,000/- to Rs.12,000/- per year and the persons who joined the scheme will be given a Pension Retirement Account Number (PRAN) number. After completion of 60 years of age, the Government will pay 60% directly and

40% in shape of pension every month. In pursuant to the scheme A-1 collected huge amounts with the help of Project Managers i.e., A-2 for the State of Telangana and A-3 for the State of Andhra Pradesh. It is said that all the accused misused the money without issuing refundable security deposit bonds. Identifying the same, when the D.Is. and the B.D.Os., demanded for return of the amount, the accused dragged the matter on one pretext or the other. Subsequently the cheques issued by the accused were returned. Therefore, the allegations prima facie show that the petitioner along with A-1 and A-2 collected huge amounts from the public and diverted the same for their personal gains and the cheques issued by them were returned due to insufficiency of funds.

Hence, I am of the opinion that it is not a fit case to grant anticipatory bail to the petitioner, as it involves cheating the general public by collecting money under the scheme initiated by the Central Government and thereafter diverting the money to their personal use. The Case Diary which has been placed before this Court would show that A-1 and A-2 were already arrested. If A-1 and A-2 are already released on bail, the petitioner/A-3 shall surrender himself before the trial Court and move an application seeking regular bail by giving prior notice to the learned Public Prosecutor concerned, in which event,

the same shall be dealt with in accordance with law either on the same day or at the earliest.

With the above direction, the criminal petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

Dt:16.02.2016

GM