

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.13448 OF 2016

ORDER:

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

2. The present Criminal Petition came to be filed by the petitioner/accused under Section 438 Cr.P.C., seeking release in the event of his arrest in Crime No.130 of 2016 of Golconda Police Station, Hyderabad, registered against him and others for the offences punishable under Sections 420, 468 and 471 IPC.

3. The informant Ibrahim Bin Jaffar lodged a report stating as follows.

About two years before lodging the report, he came to his cousin's bearing No.8-1-523/149, Brindavan colony, Tolichowki, Hyderabad where A.1-Ali Bin Sayeed met him and stated that he would send people to Singapore on Job Visa and asked him to pay Rs.3,50,000/- to provide the same to him and his brother Omer Saadi. It is alleged that the informant paid Rs.3,50,000/- to A.1 on 27.11.2015 and thereafter A.1 handed over two visas and tickets. On enquiry, the said visas and tickets were found to be fake, and when the informant demanded for return the money, the accused postponed the same on one pretext or the other. Basing on these allegations, the present case came to be registered.

4. Learned counsel for the petitioner submits that name of the petitioner is not found in the First Information Report, and he has been falsely implicated in the case. He further submits that the other accused shown in the First Information Report are already granted bail, and since the petitioner is implicated basing on the confessional statement, his case may be considered for grant of anticipatory bail.

5. Learned Additional Public Prosecutor opposed the same stating that the petitioner is the prime accused and that prosecution requires his custodial interrogation. He further submits that the petitioner cheated public by making false promises of sending them to Singapore on job visa, and that he is involved two other cases of similar nature.

6. Perused the C.D. file placed before this Court. The case of the prosecution as seen from the remand report is that A.3 and A.4 are sons of A.2, and the petitioner (A.1) is father-in-law of daughter of A.2. Petitioner(A.1) is running a jewellery shop at Tolichowki styled as Ali Jewellers and he is also doing travelling business and providing job visas to needy persons. A.2, who is jobless, joined petitioner(A.1) in the business along with his sons A.3 and A.4. As A.2 was in financial troubles, petitioner (A.1) assured him to give a good amount if he brings customers and they were planning to cheat the innocent public by giving fake visas and air tickets. Pursuant to the same, A.2 to A.4 collected amounts from L.Ws.1 to 5 and handed over the same to A.1 after deducting their shares.

It is further stated that on 24.04.2016, A.2, along with A.3 and A.4, were apprehended and on interrogation, they disclosed the role played by the petitioner(A.1). It is also stated that A.1 to A.3 are involved in crime No.19 of 2016 of Moghalpura police station registered for the offence punishable under Section 420 IPC and crime No.26 of 2016 of CCS, Hyderabad registered for the offences punishable under Sections 420, 468 and 471 IPC.

7. Though the learned counsel for the petitioner tried to contend that the confession of co-accused is inadmissible in evidence, but the

Apex Court in *State through C.B.I. V. Amarmani Tripathy*¹, held as under:

“The admissibility or otherwise of the confessional statement and the effect of the evidence already adduced by the prosecution and the merit of the evidence that may be adduced hereinafter including that of the witnesses sought to be recalled are all matters to be considered at the stage of the trial.”

8. A perusal of the material on record would show that petitioner is alleged to have cheated public by making false promises of sending them to Singapore on job visa. Having regard to the gravity of allegations made and in view of the judgment of the Hon’ble Apex Court referred to above, this Court is not inclined to consider the request of the petitioner for grant of anticipatory bail.

9. Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

Date: 26.09.2016
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¹ AIR 2005 SC 3490

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR



CRIMINAL PETITION No. 13448 OF 2016

26.09.2016

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