

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION NO.8239 of 2016

ORDER :

The petitioner, who is A2 in Crime No.110 of 2015 of Yerpedu Police Station, Tirupathi Urban District, filed the present application 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 Sections 417, 420 read with Section 34 of IPC.

The averments in the first information report would show that the informant lodged a report stating that A1 induced him promising that A2 who is working as Deputy Tahsildar in Collectorate, Chittoor would provide Government jobs of VROs, Junior Assistants, Process servers and attenders by taking huge amount and accordingly, he introduced the informant to A2. It is stated that inspite of payment of demanded amount, the petitioner failed to fulfill the promise of providing a job to the informant.

Learned counsel for the petitioner submits that except oral allegations, there is no material on record to connect the petitioner with the said crime. He further submits that since all the accused and the victim belong to same village and caste, false case has been foisted.

A perusal of the docket proceedings would show that on 27.06.2016, this Court directed the police not to arrest the petitioner. Thereafter, on 11.07.2016, the respondent-police were directed not to arrest the petitioner, but however, the investigating officer was also directed to identify the person who got cheated. On the same day, learned counsel for the petitioner submitted that he is ready to settle the amounts to some extent. Accordingly, learned additional public prosecutor was directed to inform the Court as to the amounts settled by the petitioner. Thereafter, the matter was being adjourned on one pretext or the other and on 05.08.2016, the interim stay granted earlier was extended till 08.08.2016, giving a final

opportunity to the petitioner to settle the issue. Be that as it may, the averments in the report would show that in the year 2013, A1 and A2 induced the informant with the deceitful words of providing employment stating that A2, who is a Deputy Tahsildar Chittoor, shall provide employment as Junior Assistant in a Court at Chittoor. The allegations in the report further disclose that the informant paid huge amount to A2 in his office. Thereafter, A1 and A2 shared the amount equally and spent the amount for their expenses. As A2 failed to return the amount inspite of the informant demanding the same, the present report came to be lodged.

Having regard to the nature of allegations made and circumstances of the case, the request of the petitioner for grant of anticipatory bail is rejected.

However, since the petitioner is Government employee, it is always open for him to surrender before the concerned Court and move an application for grant of bail before appropriate Court after giving prior notice to the Public Prosecutor, in which event the same shall be dealt with in accordance with law, on the same day.

Accordingly, the criminal petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

10.08.2016

vhb