

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.9382 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/A.3 under Section 438 Cr.P.C., seeking release in the event of his arrest in crime no.69 of 2016 of Mulkanur police station, Karimnagar District registered against him and others for the offences punishable under Sections 420, 468, 471 read with 34 I.P.C.

3. The case of the prosecution is that the petitioner, A.1 and A.2 went to house of the informant and explained to him about Bajaj Allianz Life Insurance Policy stating that if he pays Rs.5,000/- once in every six months for three years, the amount would be doubled, and accordingly induced him and by making him believe their words. Believing their statements, the informant is alleged to have paid the amount to them, who, in turn, issued policy bearing No.0187532145. But, after completion of three years' period, the informant went to A.1 to A.3, but there was no proper response. When he made enquiries with Bajaj Allianz officials, he was informed the policy which was issued to him by the accused is a fake one. Basing on these allegations the present case came to be registered.

4. Learned counsel for the petitioner submits that the even if the allegations made in the First Information Report are accepted to be true and correct, no offence is made out against the petitioner, and it is A.1 and A.2, who induced the informant. Hence, prays to consider the request of the petitioner for grant of anticipatory bail.

5. Learned Public Prosecutor opposes the same contending that as per the allegations in the First Information Report would go to show that petitioner/A.3 has equal role to play along with A.1 and A.2 in commission of the alleged offence.

6. The statements recorded under Section 161 Cr.P.C. clearly disclose that the petitioner along with other accused went to the house of the informant where they are alleged to have induced the informant to subscribe for a policy alleged to have been issued by Bajaj Allianz Life Insurance company stating that if he pays Rs.5,000/- for three years, the amount would be doubled. Subsequently, it was found that the said policy was a fake one, and the petitioner and other accused evaded repayment of the amount paid by the informant. In view of the above, it cannot be said that no offence is made out and accordingly, the request of the petitioner cannot be considered. However, it is always open to the petitioner to surrender before the Magistrate concerned and file a petition seeking appropriate relief, in which event, the

same shall be dealt with on the same day in accordance with law.

7. Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

Date: 19.07.2016
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THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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