HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

Criminal Petition No.3151 of 2016

ORDER:

The petitioner, who is an accused in Crime No.417 of 2015 of Kurnool IV Town Police Station, Kurnool District, filed this Criminal Petition under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with the above case, registered for the offences punishable under Sections 197, 468, 474, 475 and 420 I.P.C.

A private complaint filed under Section 200 Cr.P.C. was referred to the Police under Section 156 (3) Cr.P.C. The averments in the report show that the complainant is engaged in the business of providing finance facility to its prospective customers for finance. The complainant was having registered office at JCS Complex, I floor, 51/920, Opposite RTC Bus Stand, near Spencer's, Bellary Road, Kurnool Town. The accused is alleged to have collected instalment amounts from the customers, who obtained finance from the company and issued receipts of the company, but failed to remit the same to the company or accounted for the same with the company, thereby cheated the investors. Basing on these allegations, the above case came to be registered.

Heard the learned counsel for the petitioner-accused and the learned Public Prosecutor for the Respondent-State.

The learned counsel for the petitioner submits that even accepting the allegations in the report to be true, no offence is made out against the petitioner. The learned counsel for the petitioner further submits that in the absence of any specific details in report, the petitioner-accused is entitled for anticipatory bail.

The learned Public Prosecutor seriously opposed the application stating that the allegations in the report and also the Section 161 Cr.P.C. statement of the witness establish a *prima facie* case against the petitioner-accused and hence, the petitioner-accused is not entitled for anticipatory bail.

A perusal of the Section 161 Cr.P.C. statement of the witness recorded by the Police during the course of investigation disclose that the petitioner herein collected instalment amounts from the customers of the company, issued fake receipts and thereafter, failed to remit the amount. When a notice regarding payment was sent to the customers, all of them stated that they have already paid the money to the petitioner and they have also produced receipts issued by the petitioner-accused. When the said receipts were verified, they were found to be fake. It is further noticed that an amount of Rs.1,24,700/- is the amount alleged to have been misappropriated by the petitioner.

Having regard to the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the Criminal Petition is dismissed. However, the petitioner is directed to surrender before the concerned Court and move an application for bail, after giving prior notice to the Public Prosecutor, in which event the Court shall consider the said application in accordance with law.

C.PRAVEEN KUMAR, J.

17.03.2016
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