

THE HON'BLE SRI JUSTICE C. PRAVEEN
KUMAR

-
CRIMINAL PETITION No.11289 OF 2016
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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.1 under Section 438 Cr.P.C., seeking release in the event of his arrest in Crime No.35 of 2016 of II Town Police Station, Kadapa, registered for the offences punishable under Sections 420, 354 and 506 read with 34 IPC.

3. The case of the prosecution is as under:

On 27.03.2016 at 9.30 A.M., the informant lodged a report stating that her husband is doing Lab Technician at Sai Apollo Lab, Seven Roads, Kadapa. In the month of June, 2012, the informant along with others went to Masapet and met the petitioner, who stated that there are vacancies for the posts of Junior Assistant in Yogi Vemana University and in Collector Office and demanded Rs.2,00,000/- each for securing the said posts. Believing the same, the informant and others gave an amount Rs.1,00,000/- each to the petitioner on 16.07.2012 and promised to pay the balance amount after completion of work. As the petitioner postponed the matter on one pretext or the other and started giving reckless answers, the informant and her husband went to the house of the

petitioner on 27.03.2016 and demanded for return of the amount. But, the petitioner denied the receipt of amount from her and saying so, caught hold of her tuft and pushed her out on to the street and also beat her.

4. Learned counsel for the petitioner mainly submits that the allegations made in the report are all false and invented for the purpose of this case. According to him, the petitioner is running an agency and as such he has been falsely implicated in this case due to political differences in the village.

5. Learned Public Prosecutor opposed the same.

6. As seen from the record, the petitioner herein filed Criminal Petition No.5422 of 2016 seeking release in the event of his arrest in the present crime. By an order dated 29.04.2016 this Court while rejecting the request of the petitioner for anticipatory bail, directed the Police to follow Section 41 Cr.P.C., and the judgment of the Apex Court in **Arnesh Kumar Vs. State of Bihar and another (2014 (2) ALT (Cri.) 457 (SC))**. Thereafter, the petitioner and another (A.2) are alleged to have moved an application before the VI Additional Sessions Judge, Kadapa for anticipatory bail vide Crl.M.P.No.900 of 2006. The learned Judge by an order dated 27.06.2016 granted anticipatory bail to A.2 and rejected the request of the petitioner since the allegations made against him are grave in nature.

7. A perusal of the record would show that that it

was A.1, who is alleged to have collected amounts from the informant and others promising to provide employment. Though substantial amount was paid, A.1 failed to keep up his promise; moreover, he is alleged to have caught hold of tuft of the informant and outraged her modesty when she went to his house to demand the amount. Having regard to the nature of allegations made, I am not inclined to grant bail to the petitioner. However, it is always open to the petitioner to surrender before the Court below and move an application for bail after giving prior notice to the Public Prosecutor, in which event the same shall be dealt with, in accordance with law, at the earliest.

8. Accordingly, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

Date:10.08.2016
INL