

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION No.1550 of 2016

ORDER:

The petitioner, who is accused No.2 in Crime No.107 of 2012 of Tadepalligudem Town Police Station, West Godavari District, registered for the offences punishable under Sections 419, 420, 468 and 471 read with 34 IPC, filed the present Criminal Petition under Section 438 Cr.P.C. seeking release in the event of his arrest in the above crime.

A charge sheet came to be filed alleging that Accused Nos.1, 2 and 8 conspired together and to gain wrongfully, contacted accused Nos.3 to 7 to act as representatives of the reputed companies. Accused No.3 and 4 acting as representatives of Mphasis conducted interviews on 29.03.2011 and selected 60 students in the campus and on 17.03.2011 they also brought three persons i.e. accused Nos.5 to 7 as representatives of IBM and selected 48 students. Accused Nos.1 and 8 also conducted telephonic interviews on behalf of ELECON Group and selected 25 students. All the letters received from the Email IDs were proved to be spoof e-mails and the management of Sasi Engineering College gave Rs.50,000/- vide Cheque No.887984 on 16.04.2011 to March End Consultancy and the same was drawn by the consultancy. The charge sheet further discloses that all the accused in furtherance of their common intention, conducted interviews and gave forged placement orders of reputed companies. All the accused cheated the SASI Institute of Technology and Engineering Students, Tadepalligudem and also cheated more than 1200 candidates by collecting about Rs.80.00 lakhs in all the cases. In this case particularly 133 candidates were

cheated and an amount of Rs.50,000/- was collected to provide jobs to the students by issuing fake placement orders.

Heard learned counsel for the petitioner and Additional Public Prosecutor appearing for the respondent-State.

Learned counsel for the petitioner submits that the petitioner has been granted regular bail in all the cases registered against him and as such he deserves to be released on anticipatory bail even in this case. He further submits that earlier accused Nos.2 and 5 preferred an application for anticipatory bail before the II Additional District and Sessions Judge, Eluru which was dismissed on 09.10.2012. By an order dated 19.01.2016 passed in Criminal petition No.142 of 2016 this Court granted anticipatory bail to accused No.5. Since accused No.5 was already granted anticipatory bail the petitioner who stands on same footing needs to be considered.

Learned Additional Public Prosecutor opposed the application.

A perusal of the averments in the charge sheet clearly indicate that it was accused Nos.1,2 and 8, who conducted interviews in various colleges and issued placements cards as if the students in those colleges were given appointment in companies like Mphasis, IBM and ELECON Group etc. Those placement orders were found to be forged and fake by the investigating agency. It may be true that this Court granted anticipatory bail to accused No.5, but the case of accused No.5 stands on a different footing. As seen from the charge sheet the role of accused No.5 was that he along with two others conducted interviews as representatives of IBM, where as the role of the petitioner is something different. It was accused No.2 who along with accused Nos.1 and 8 created forged placement orders and collected an amount of Rs.80.00 lakhs from various colleges and students. Apart from that the petitioner approached this Court earlier

vide Crl.P.No.8588 of 2012 seeking the very same relief which was dismissed on 10.12.2015. After filing charge sheet the petitioner also filed Crl.Petition No.227 of 2015 which was dismissed as withdrawn on 19.01.2016.

Though the learned counsel for the petitioner submits that there are changes in the circumstances in filing the bail application but as per the averments in the charge sheet, the case against the petitioner is further fortified than what it was during investigation. Hence, I am not inclined to grant anticipatory bail. However, the petitioner, if so advised, shall surrender before the Court concerned and make an application for regular bail after giving prior notice to the Public Prosecutor, in which event the same shall be dealt with on merits in accordance with law either on the same day or at the earliest.

With the above direction, the Criminal Petition is disposed of.

C. PRAVEEN KUMAR, J

19.02.2016

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