

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.3933 of 2016

ORDER :

The petitioner, who is an accused in Crime No.214 of 2016 of L.B.Nagar Police Station, Cyberabad, filed the present Criminal Petition under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with the above crime, registered for an offence punishable under Section 420 IPC.

The case of the prosecution is that one K.Sunand Raj introduced the petitioner to the informant stating that the petitioner is a relative of Sri K.Indrakaran Reddy, Hon'ble Minister. He made the informant believe that he is well known to the Minister and he will provide a job to him in Government or Private sector. Believing the representation made, the informant is alleged to have paid a sum of Rs.2,25,000/- to the petitioner in the month of February, 2015 at Big Bazar Shopping Mall, L.B.Nagar. A week later the accused issued an appointment order to the informant for the post of an Attender/Driver Post in State Secretariat and told him that he would join him in the post within one month. On enquiry it was found that the said appointment order is a fake one. The petitioner also collected amount from the friends of the informant to a tune of Rs.15,00,000/- promising to provide jobs. Basing on these allegations the above case came to be registered.

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

Learned counsel for the petitioner mainly submits that no reasons are forthcoming as to why K.Sunand Raj was not made as accused till date. He further submits that if really the said allegations

are true the police ought to have examined the other persons who were also cheated by the petitioner. He submits that till date no report is lodged by any of the aggrieved persons. In view of the above, he submits that due to enmity a false case has been foisted against the petitioner.

Learned Additional Public Prosecutor opposed the application contending that the allegations made in the report are grave in nature and since the case is still under investigation the petitioner is not entitled for any relief.

A perusal of the averments in the first information report would show that nearly Rs.15.00 lakhs is alleged to have been collected by the petitioner from the informant and his friends promising to provide jobs in various public and private sectors. Insofar as the informant is concerned, the petitioner is alleged to have produced an order appointing the informant as an Attendar in the state Secretariat but on enquiry the same was found to be a fake. The record further reveals that after lodging of the report the whereabouts of the petitioner are also not known. Having regard to the nature of allegations made, it cannot be said that an offence under Section 420 IPC is not made out. It may be true that in the First Information Report K.Sunand Raj is not made an accused and other victims have not lodged any report, but that by itself would not entitle the petitioner for grant of anticipatory bail as the allegations made *prima facie* establish that an offence under Section 420 IPC is made out. Hence, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

29.03.2016

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