

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.2860 OF 2016

ORDER:

The present Criminal Petition, under Section 438 of Cr.P.C., is filed by the petitioner/A.1 seeking release, in the event of his arrest in connection with Crime No.279 of 2015 of Rajanagaram Police Station, East Godavari District, registered for the offences punishable under Sections 420, 506 IPC r/w. Section 56 of Chit Funds Act, 1982.

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

It is to be noted that earlier the petitioner herein along with A.2 to A.4 filed Crl.P.No.1119 of 2016. By an order dated 17.02.2016, this Court, while rejecting the request of A.1, granted anticipatory bail to A.2 to A.4. On the said date, it was agreed by the learned counsel appearing for the petitioners therein that there is a prima-facie case against A.1. Be that as it may, the averments in the FIR shows that A.1 was doing chit fund business at his residence with the assistance of A.2 to A.4, who are his sons-in-law. It is alleged that all the accused approached the informant representing that they are doing authorized chit fund business. Believing the representations made, the complainant joined as a member in the chit fund scheme of A.1 in two chits. At the time of joining in the chits, A.1 issued two chit books to

him and A.2 to A.4 used to collect the chit instalments amount from him by making endorsement in the book with regard to receipt of the amount. About six months back, on coming to know that A.1 is not conducting chit auction and not collecting the chit amounts, the complainant approached A.1 and asked him about the same, for which he replied that due to financial crisis, he misappropriated the chit amounts and he is unable to pay the amounts collected with bonus. Hence the report.

A perusal of the FIR shows that the allegations are mainly directed against A.1. It may be true that there is a delay in lodging the FIR, but, that by itself cannot be a ground to grant anticipatory bail to A.1, where huge amount of public was misappropriated by the accused.

Having regard to the said circumstances and in view of the fact that the request of the petitioner was rejected by this Court on 17.02.2016, I am not inclined to consider the request of the petitioner/A.1 for release on bail in the event of his arrest.

Accordingly, this Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

09.03.2016.
Msr

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