

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION NO.10455 of 2016

ORDER

The petitioner, who is A.3 in crime No.158 of 2016 of IV Town Police Station, SPSR Nellore, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with above case registered for an offence punishable under Sections 420 and 406 read with 34 of Indian Penal Code.

Heard learned counsel for the petitioner as well as the learned Public Prosecutor appearing for the respondent-State.

The report lodged by the informant goes to show that the petitioner along with others induced the informant promising to provide MBBS seat for his daughter in a Medical College in Bangalore and collected Rs.60,00,000/-. The averments in the report further show that on more than one occasion when the informant went to Bangalore, the petitioner was present along with two others and promised to provide MBBS seat to the daughter of the informant. On more than one occasion, when the informant wanted to meet the management of the college, the petitioner and other accused are alleged to have informed the informant that the Management would allow only people of their stature and denied the informant to meet the authorities.

Learned counsel for the petitioner submits that no money was paid to the petitioner and the petitioner never promised the informant of providing any seat in MBBS course. It is urged that the allegations are mainly directed against A.1. Learned Public Prosecutor opposed the same contending that the allegations made in the report clearly show the involvement of the petitioner in the crime. Hence, it is pleaded that petitioner is not entitled for grant of anticipatory bail.

As seen from the material on record, when the informant visited Bangalore, on the instructions of accused, petitioner was found along with A.1 and on more than one occasion petitioner along with two others promised to get a seat in MBBS course for the daughter of the informant. The petitioner was aware about the payment of money by the informant.

The allegations made and material collected by the Prosecution show that all the accused are hand-in-glove and have collected money with an intention to cheat the informant. In view of the nature of allegations leveled against the petitioner, which are grave and serious in nature, this Court is of the view that it is not a fit case to grant anticipatory bail to the petitioner.

Accordingly, the Criminal Petition is dismissed. However, the petitioner, if so advised, shall appear before the trial Court and move an application for grant of bail after giving prior notice to the Public Prosecutor, in which event the same shall be dealt with by taking into consideration the circumstances referred to above and shall consider the request of the petitioner on the same day, in accordance with law.

JUSTICE C. PRAVEEN KUMAR

26.07.2016
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