

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.3012 of 2016

ORDER:

-

The petitioner, who is A3, filed the present application under Section 438 of the Code of the Criminal Procedure (Cr.P.C.), seeking release in the event of his arrest in connection with Crime No.191 of 2015 of Thanuku Rural Police Station, East Godavari District, registered for the offences punishable under Sections 420, 468 read with Section 34 of IPC.

The averments in the report would show that A1 is alleged to have induced the informant and his sons for providing jobs in Indian Oil Corporation Limited, Paradeep, Orissa and asked them to pay Rs.15 lakhs towards his eldest son and Rs.12,50,000/- towards his eldest son and accordingly took Rs.1 lakh on the same day. It is stated that they took the informant and his sons to Cuttack, provided them with accommodation, completed necessary formalities and one Mallikarjuna Rao (A3) received amount of Rs.2,50,000/- from the informant and gave appointment orders to his sons with official seals in IOC letter heads. Subsequently, on 02.09.2015, the accused are alleged to have collected amount of Rs.24 lakhs from the informant. In spite of collecting such a huge amount, the accused failed to intimate the informant about the appointment of his sons. After a month, when the informant approached A3, who is father of A1, and demanded for returning the amount, he stated that the amount is with IOC Officer but however, later they disclosed about their fabrication of letter heads and seals of IOC. Basing on these allegations, the present case came to be registered.

Learned counsel for the petitioner submits that even accepting the allegations in the report to be true, no offence under Section 420 of IPC is made out against the petitioner. But, however, learned public

prosecutor opposed the application contending that three cases are registered against the petitioner and others which are serious in nature.

Having regard to the facts and circumstances of the case and since A1 and A2 were already arrested and released on bail, the petitioner shall surrender before the concerned Court and move an application for grant of bail before the said Court after giving prior notice to the Public Prosecutor, in which event the same shall be considered in accordance with law.

Accordingly, the criminal petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

15.03.2016

vhb