

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.14028 of 2016

ORDER:

The petitioner, who is accused No.2, 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.230 of 2016 of Nallakunta Police Station, Hyderabad, registered against the petitioner and two others for the offence punishable under Sections 465, 468, 471 and 420 IPC.

The case of the Prosecution is that the informant who has completed his intermediate in the year 2013 stopped further studies. Two years thereafter, when he was planning to write private exams, one unknown person told him that one B.Mahesh (A.1) would join him in private Universities. Thereafter, the informant met A.1, who told him that his friends Manish (A.2) and Sameer (A.3) will look after the admission of the informant and asked him to choose the name of one University, to which the informant chose 'Anna Malai University'. A.1 told the informant that he need to write three academic year exams in one year and for that the informant need to pay Rs.40,000/-. The informant paid Rs.10,000/- to A.1. About 15 days thereafter, on receiving a phone call from A.1, the informant went to Nallakunta where A.1 to A.3 gave three certificates saying that they are genuine and they also informed that they will issue migration and provisional certificates in the next meet. When the informant got verified the certificates given by the accused through the known consultancy,

he came to know that said certificates are fake. Basing on these allegations, present report came to be lodged.

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

Learned counsel for the petitioner mainly submits that even accepting the allegations made in the report to be true, no offence is made out against the petitioner. He submits that all the allegations are directed against A.1 and as such seeks grant of bail. Learned Additional Public Prosecutor opposed the application contending that about 30 students were cheated and huge amount is collected from the students.

A perusal of the averments in the FIR would show that all the three accused conspired together, got prepared bogus marks certificates, gave them to the informant after collecting money from him. It may be true that A.3 was granted bail, but that by itself cannot be a ground for considering the request of the petitioner u/s.438 Cr.P.C. In view of the gravity of the allegations made, I am not inclined to consider the request of the petitioner.

Hence, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

29.09.2016
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