

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION No. 16456 of 2016

ORDER:

Vide present Criminal Petition, the petitioner/Accused No.2 seeks bail in anticipation of his arrest in connection with Crime No.178 of 2016 registered on the file of Station House Officer, Police Station, Mandamarri, Adilabad District for the offences punishable under Section 420 IPC.

The case of prosecution is that one Maheswar Rao and de facto complainant are working in Mancherial Depot. When the said Maheswara Rao asked about the avocation of son of the de facto complaint, on that the de facto complaint replied that his son is not working anywhere. Then the said Maheswararao informed the de facto complainant that his friend, who is an Advocate, the petitioner herein, is providing jobs in the Courts at Nizamabad. On their request, the petitioner came to the house of said Maheswara rao at Mandamarri in the month of January, 2016 whereat the petitioner was introduced to the de facto complainant, who asked him about his son's job. The petitioner informed him that posts of attender in the Courts at Nizamabad are vacant and if an amount of Rs.4,00,000/- is paid, he would provide job to his son, to which, the de facto complainant agreed to. Thereafter the de facto complainant and said Maheswara Rao deposited amounts of Rs.2,00,000/- in the month of January, 2015 and Rs.2,00,000/- in the month of February, 2015 in the account

of the petitioner. On such deposit, the petitioner informed the de facto complainant that his son would get job within three months. When the things are not done, the de facto complainant asked the petitioner to repay the amount. However, till date, neither he repaid the amount nor job is provided to the son of the de facto complainant. Hence the complaint.

Learned Counsel appearing on behalf of the petitioner submits that the petitioner is not known to the de facto complainant and he was introduced by his friend. Learned Counsel submits that the petitioner had not taken any amount from the de facto complainant and there is no any source for him to provide job in the courts at Nizamabad. The petitioner was falsely implicated in the case and the petitioner is an Advocate by profession and therefore he may be granted bail.

On the other hand, learned Additional Public Prosecutor appearing on behalf of the respondent-State submits that the petitioner had cheated the de facto complainant by taking an amount of Rs.4,00,000/- inducing to provide job in the Courts. The allegations levelled against the petitioner are serious and therefore the present Criminal Petition for bail may not be allowed.

Normally a common man do not dare to lodge a complaint against an Advocate since because the Advocates are custodians of law. But in some cases those who are not having handful practice, to become rich by overnight, would take some type of

assignments and liaison works, in which, some times they succeed and some time they invite troubles as is the present case. The advocacy being a noble profession demands dignity. In the present case, the de facto complaint came in track of the petitioner and paid the amount of Rs.4.00 lakhs to him expecting job to his son. Since such type of payments needs no scanner, he paid the amount for the work done otherwise. Inasmuch as unemployment is at higher side in the country and getting job in these days is not an easy work, therefore the de facto complaint thought that if the things are not done in the system, then money works to get the things done. Accordingly he paid the amount, which has been misappropriated by the petitioner.

For the foregoing discussion and keeping in view the allegations levelled against the petitioner, I am not inclined to grant bail since custodial interrogation of the petitioner is required.

The Criminal Petition is therefore dismissed.

Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence.

JUSTICE SURESH KUMAR KAIT

DATED 6th December, 2016.
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