

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRL.P.NO.3379 OF 2017

ORDER

Petitioner, who is A-1, filed this petition under Section 438 of Cr.P.C., seeking anticipatory bail.

On the complaint given by the complainant, the police of Madhapur Police Station, registered the crime in FIR.No.195/2017 and investigation is pending.

The allegations in the complaint are that accused A-1 and A-2 established a software company, PF Info Tech Pvt. Ltd at Mindspare Maximus Towers, Madhapur and on 21.2.2017, the complainant was offered job in their company on receiving Rs.1,20,000/- (Rupees one lakh twenty thousand only) from him, which amount he deposited in their accounts. Though the complainant was attending the company, the accused did not pay him the salary and not even paid back his amount. Later, on enquiry, the complainant came to know that the accused established many branches at different places like Visakhapatnam, Narsaraopet, Nagpur, etc., and turned the board. Hence the complaint.

The learned counsel for the petitioner would submit that the petitioner / A-1 is only an employee, as she has been working as H.R. Manager and in

fact, she has nothing to do with the management of the company, which was owned by A-2. Therefore, it is not apt to implicate her as if she colluded with A-2. The counsel would submit that petitioner was unnecessarily roped in by A-2 by issuing the appointment orders and other communication through her, by online. He thus, prayed to grant anticipatory bail to her.

Learned Additional Public Prosecutor while opposing bail application would submit that the complaint is very much clear to the effect that petitioner / A-1, sent appointment letter to the complainant and asked him to come to the office on 23.2.2017 and accordingly, he joined the service. The learned Additional Public Prosecutor would further submit that A-1 and A-2 have been cheating the public not only in the present instance, but also by opening branches in some other places like Visakhapatnam, Narsaraopet, Nagpur, etc., and, therefore, it is futile on the part of the petitioner to contend that she is only an employee and not concerned with the act of cheating.

A perusal of the FIR and the case diary shows *prima facie* accusation against both the accused. The appointment letter was said to be issued by the petitioner / A-1 at the instance of A-2. The case diary would further show that not only in the present instance, but also at different places similar types of software companies were established and closed abruptly by the

accused. In view of the *prima facie* case and pending investigation, it is not a fit case to grant anticipatory bail to petitioner/A-1 and the petition is accordingly dismissed.

She is directed to surrender before the court concerned and seek for regular bail.

Miscellaneous petitions pending if any, shall stand closed.

U.DURGA PRASAD RAO,J

DATE:01—06—2017

AVS

