

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CRIMINAL PETITION No.7004 of 2017

ORDER:

This petition is filed, under Section 438 Cr.P.C., by the petitioner-accused No.2 seeking anticipatory bail in Crime No.566 of 2016 on the file of the Station House Officer, IV Town Police Station, Visakhapatnam City, registered for the offences punishable under Sections 376-D, 354(c), 420 and 506 read with 34 I.P.C.

2. The learned counsel for the petitioner submitted that the investigation cannot go beyond the scope of allegations made in the complaint. He further submitted that the petitioner was falsely implicated to bring pressure on her; hence, it is a fit case to grant pre-arrest bail to the petitioner.

3. The learned Additional Public Prosecutor submitted that the allegations made in the complaint *ex facie* constitute the offences alleged to have been committed by the petitioner. He further submitted that the investigation is in progress.

4. It is the case of the prosecution that the petitioner herein along with other accused collecting money from the innocent people by making a false promise that they will provide jobs in Dubai and other places.

5. The petitioner filed CrI.M.P.No.1797 of 2017 on the file of the VI Additional District Judge-cum-Sessions Judge, Mahila Court, Visakhapatnam, under Section 438 Cr.P.C. and the same was dismissed by making an observation that the petitioner along with others cheated the public.

6. In order to appreciate the rival contentions, this Court carefully perused the CD file, more particularly, the statements of LWs.6, 7 and 8. No *prima facie* case is made out against the petitioner so far as Sections 376-D and 354(c) are concerned. A perusal of the record *prima facie* reveals that the petitioner along with other accused collecting huge amount from unemployees by making a false promise that they will provide jobs in different countries. While deciding the petitions filed under Section 438 Cr.P.C., the Court has to consider the impact of the offences on the society.

7. Taking into consideration the nature of the offences alleged to have been committed by the petitioner and the stage of investigation, this Court is of the considered view that it is not a fit case to grant pre-arrest bail to the petitioner.

8. Accordingly, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 04.09.2017
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