

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Crl.P.No.3326 of 2017

ORDER:

This Criminal Petition is filed under Section 438 Cr.P.C. seeking Anticipatory Bail.

2) Petitioner/A1 and others are accused of having committed offence punishable under Section 420 IPC in Cr.No.26 of 2017 of Chilakalapudi PS, Krishna District.

3) On the complaint given by the complainant, the police registered a case against the petitioner and his family members and investigation is said to be pending. The brief facts of the case are that the complainant worked in RTC Depot, Bandar and retired in the year 2015 and his son – Mekha Manikanta appeared for EAMCET examination. While so, the petitioner/A1 and his family members who are near to his house are having acquaintance with the complainant. Due to such acquaintance, it is alleged, petitioner/A1 and his family members promised that they would secure MBBS seat to the complainant's son in Jipmer University, Pondicherry for which the complainant has to spend about Rs.25 lakhs. On their promise, on 28.06.2016 the complainant paid Rs.8 lakhs and thereafter, on the promise that they would talk with the University authorities and confirm the seat, the complainant had deposited a sum of Rs.2 lakhs in the petitioner's A/c. No.15731010000658 of Andhra Bank, Hyderabad on 20.09.2016 through online and twice he deposited Rs.2 lakhs in Axis Bank, Chennai in the A/c.No.910010048522417 of

petitioner/A1. On 06.10.2016 he paid Rs.1 lakh for the expenses. By that time the wife and children of petitioner/A1 were there. It is further alleged that on 12.10.2016 petitioner/A1 has handed over the allotment letter to him through A2. It is further alleged that they booked flight tickets two times on 07.11.2016 and 12.11.2016 and asked complainant to go to Pondicherry. They also informed that the admission was confirmed. Accordingly, the complainant and his son went to Jipmer College, Pondicherry and on verification they came to know that no allotment of seat was made to the complainant's son. When enquired, petitioner/A1 himself and his wife informed the complainant, they would return the amount. Thereafter, on 30.11.2016 the accused promised that they would arrange medical college seat in Hyderabad and took them to Hyderabad. Thereafter, though the complainant made telephone calls the accused did not lift the phone. Thus, the complainant alleges that the accused have cheated the complainant. Investigation is reported to be pending.

4) Heard.

5) While denying the complaint allegations, learned counsel for petitioner/A1 would submit that complaint is as vague as it could be, as there is no clear cut allegation that complainant had paid amounts to the petitioner/A1 or petitioner/A1 had made any promise to secure medical college seat to his son and therefore, the charge under Section 420 IPC is not maintainable at the very first instance. He further submitted that

petitioner/A1 is a respectable person and considering the same he may be granted bail.

6) Staunchly opposing the bail application, learned Public Prosecutor (AP) would submit that complaint is very much clear to the effect that petitioner/A1 and his family members on a false promise of procuring medical college seat to the complainant's son, have obtained money from him by inducing and ultimately cheated him and the investigation is still pending and so far, the police have secured fake allotment letter and on enquiry it is revealed that the allotment letter was not issued by Jipmer Institute, Pondicherry and the police also verified and found that amounts were deposited in the account of petitioner/A1 and as the investigation is still pending, petition may be dismissed.

7) Record reveals *prima facie* accusation against the petitioner/A1 and other accused inasmuch, due to their acquaintance with the complainant, all the accused induced him with the promise that they would secure medical college seat to his son and accordingly on different occasions, he paid amounts and on two instances the amounts paid by him were also deposited in the account of A1. No doubt, learned counsel for petitioner/A1 would submit that due to pendency of some civil disputes a false case is foisted against the petitioner/A1 and his family members but however, no such disputes are brought to the notice of the Court at this stage.

8) On verification of CD file it reveals that investigation is in prime stage. Having regard to *prima facie* case against the petitioner and

pending investigation, it is not a fit case to grant anticipatory bail to the petitioner/A1.

9) Accordingly, this bail application is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U.DURGA PRASAD RAO, J

Dt: 01.06.2017
Murthy

