

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.1549 OF 2017

ORDER:

This petition is filed by the petitioner, apprehending his arrest, under Section 438 of Criminal Procedure Code (for short "Cr.P.C.") for grant of anticipatory bail to the petitioner/accused No.2, in the event of his arrest in Crime No.623 of 2016 of A.S.Nagar Police Station, registered for the offences punishable under Sections 420, 506 and 354 (D) of Indian Penal Code (for short "I.P.C.").

The petitioner/accused No.2 is the son of Venkata Subba Rao. The said Venkata Subba Rao is working in Panchayat Raj department and offered employment to the daughter of defacto complainant on payment of amount in the year 2013. Later, the defacto complainant and her husband to secure employment to their daughter, paid amount to the said Venkata Subbarao and his son, the petitioner herein. Thereafter, instead of providing any employment, the petitioner started sending his men to tease the daughter of the defacto complainant, who is working in a private company and threatening her to pour acid on her.

The main contention of the petitioner is that accused No.1 was enlarged on bail by the Sessions Court vide order in CrI.M.P.No.1702 of 2016 dated 07.12.2016 and there is no specific date of commission of offence except bald allegation in the entire complaint about the commission of offence and in the absence of any details, no case is made out against the petitioner and major part of the investigation is completed and prayed enlarge the

petitioner on pre-arrest bail.

Learned Public Prosecutor contended that only three (3) witnesses were examined and investigation is yet to be completed and if pre-arrest bail is granted to the petitioner, there is every possibility of petitioner interfering with the investigation.

It is a classic case where the father is working in Panchayat Raj department and offered employment to the daughter of defacto complainant on receiving bribe and collected the amount through his son in the year 2013, thereafter, avoided to provide employment to the daughter of the defacto complainant. The person, who received the amount by making false promise to provide employment, is not entitled to claim discretionary relief under Section 438 of Cr.P.C. Merely because of minute details are missing in the complaint, the petitioner is not be entitled to pre-arrest bail. Since the F.I.R is only meant to set the criminal law into motion and it is not an encyclopedia of each and every fact. Therefore, mere failure to mention the minute details regarding the offence is not a ground to enlarge the petitioner on bail.

Hence, I find no ground to enlarge the petitioner on bail at this stage since the investigating agency examined only three (3) witnesses. Consequently, the petition is liable to be dismissed.

In the result, the petition is dismissed.

The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

28.02.2017
Ksp