

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CRIMINAL PETITION No.7264 of 2017

ORDER:

This petition is filed, by the petitioner-accused, under Section 438 Cr.P.C., seeking pre-arrest bail in Crime No.240 of 2017 on the file of the Station House Officer, Ibrahimpatnam Police Station, Vijayawada City, Krishna District, registered for the offence punishable under Section 420 IPC.

2. The learned counsel for the petitioner submitted that the petitioner was falsely implicated in this case by the defacto complainant to bring pressure on him. He further submitted that the investigation agency ought to have registered a case against Rangamma and Rajani also.

3. The learned Additional Public Prosecutor submitted that the allegations made in the complaint *ex facie* constitute the offence alleged to have been committed by the petitioner.

4. It is the case of the prosecution that one Rangamma and Rajani, introduced the mother of the defacto complainant to the petitioner herein to make necessary arrangements to go to Muscat. It is the further case of the prosecution that the petitioner made a false promise that he will provide good job to the mother of the defacto complainant in Muscat and collected an amount of Rs.70,000/-. The gist of the allegations made in the complaint is that the petitioner herein cheated the mother of the defacto complainant.

5. The petitioner herein filed CrI.M.P.No.874 of 2014 on the file of XIII Additional District and Sessions Judge (Fast Track Court), Vijayawada, and the same was dismissed on 20-06-2017 on the ground that the investigation is in progress.

6. While deciding the petitions under Section 438 of Cr.P.C., the Court has to consider whether there is any *prima facie* material or not against the petitioner. It is the case of the prosecution that the petitioner herein collected an amount of Rs.70,000/- from the mother of the defacto complainant by making a false promise that he will provide good job to her in Muscat. It is the further case of the prosecution that by believing the words of the petitioner the mother of the defacto complainant went to Muscat and facing problems.

7. A perusal of the record *prima facie* reveals the role played by the petitioner in the commission of offence. As rightly pointed out by the learned Additional Public Prosecutor if the petitioner is granted bail the possibility of threatening the witnesses cannot be ruled out completely.

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

9. In the result, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

September 19, 2017

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