HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 1384 OF 2017

ORDER:

The petitioner, who is A-1, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.170 of 2016 of CCS, DD Police Station, Hyderabad, registered for the offences punishable under Sections 406, 420 read with 34 IPC.

2) The informant gave a report stating that he joined as a Regional Manager in M/s.Needs Today online solutions on 27.07.2015. It is alleged that the said company assured to supply groceries at the door steps of households as per their online orders. It is stated that as per the instructions of the Directors, he has recruited 4 Area Managers and 20 members and their duties were to identify the investors and make them join as Associate partners by investing Rs.1,14,000/-, pin code wise as surety amount. It is stated that they have fulfilled their job successfully by identifying about 38 investors and got them joined as Associate Partners who paid an amount of Rs.1,14,000/- each to the company. For which, the company entered into an agreement with all the investors and as per the said agreement the business has to be started within 45 days from the date of agreement. But since last 11 months it has not been started. It is alleged that as per the terms of the company, all the investors have

established offices, infrastructure, office boys and delivery boys and moreover the company paid salaries to the staff for five months and later failed to pay the salaries. When they made repeated requests for payment of the salaries and to start the business activities, the accused are alleged to have threatened them in different ways. It is further stated that when the informant, being a Regional Manager, started taking business of the company, the accused demanded return of the salaries paid to them so as to enable the company to refund amounts. It is alleged that when the investors pressurizing them for refund their investments, they are neither giving any response nor willing to come to Hyderabad to meet the investors. Basing on these allegations, the above case came to be registered.

3) Learned counsel for the petitioner mainly submits that the persons who deposited the money did not make any complaint and mere delay in commencing business does not amount to an offence under Section 420 IPC. He further submits that the allegations in the report are mainlky with regard to non-payment of salary. He further alleges that the present report had been lodged as a counterblast to the FIR registered against the complainant.

4) Learned Additional Public Prosecutor opposed the same.

5) The main plea taken by the learned counsel for the petitioner is that there is some dispute with regard to payment of salaries and as such the

ingredients of Sections 406 and 420 are not made out. I am afraid of the same cannot be accepted. If the contents of the first information report and the remand report are taken into consideration, it is clear that the amount collected by the Directors have been misappropriated and the innocent investors have been cheated. The remand report further shows that the petitioner and A-2 being Directors of M/s. Needs Today online Solutions Pvt. Ltd, have collected about Rs.One crore through their employees for development of online groceries business as per the agreement, and failed to provide the franchisee, thereby cheating them. Further, the report given by the company was registered on 05.09.2016 whereas the present case came to be registered on 02.08.2016. Therefore, it cannot be said that the present report is lodged as a counterblast to the report given by the accused. Even otherwise, having regard to the nature of allegations made against the petitioner and amount involved being huge, I am not inclined to grant anticipatory bail to the petitioner.

6) Accordingly, the criminal petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

Dt:08.03.2017
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