

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition Nos.4291, 4293 and 4610 of 2017

COMMON ORDER:

Criminal Petition Nos.4291, 4293 and 4610 of 2017 are the renewed bail applications filed by petitioners/A.13 & A.18 under Sec.437 & 439 Cr.P.C seeking bail in Crime No.91/2017 of Kalyandurg PS, Crime No.06/2014 of Peddapappur PS and Crime No.237/2012 of Ananthapuram I Town PS respectively, registered for the offences punishable under Sec.420 IPC, Sec.4, 5 r/w 2(c) of Prize chit Money Circulations Scheme (Banning) Act, 1978 and Sec.5 of AP Protection of Depositors of Financial Establishment Act, 1999.

2) Earlier this Court dismissed bail applications of these petitioners in Criminal Petition Nos.968, 969 and 970 of 2017 through the common order dated 22.02.2017 holding that the charge sheet filed by the police was returned for compliance of certain objections and thereafter it was not filed and therefore, absolutely there were no changed circumstances to grant bail at that stage. This Court further held that if there were changed circumstances, the petitioners can approach the Sessions Court, which would pass appropriate orders uninfluenced by the observations made by this Court in its order.

3) Thereafter, it appears, the petitioners approached the Sessions Court for bail and the same were dismissed.

Hence the instant petitions.

4) The main changed circumstance sought to be projected by the petitioners is that as per the information secured by them from the office of Registrar of Companies, Hyderabad under Right to Information Act, the petitioner/A.13 was not a Director of M/s Akshaya Gold Farms and Villas India Limited but he was only a shareholder and whereas, petitioner/A.18 has officiated as Managing Director of the said Company w.e.f 14.02.2008 and ceased as such on 28.06.2008 and therefore, they were not the Directors of the said Company as on the date of alleged offence and hence they deserve bail.

5) Whereas the Investigating Officer claims that as per the information secured from ROC, the petitioner/A.13 was the founding member and the Director of the accused company and petitioner/A.18 officiated as Director of the accused company.

6) Both sides have produced certain documents in support of their respective claims. Since the said issue is the crucial one which has a bearing on the trial of the case, it is not apt to go into the rowing enquiry at this juncture. When questioned by this Court, learned Additional Public Prosecutor submitted that the Investigating Officer may have to take more than one month to resubmit the charge sheet. In these circumstances, while directing the I.O to resubmit the charge sheet within two(2) months from the date of this order, liberty is given to the petitioners to move the bail application after two(2) months without concerning to the filing of the charge sheet.

7) Accordingly, these criminal petitions are disposed of.

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

U. DURGA PRASAD RAO, J

Date: 10.07.2017

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