

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.7321 of 2017

ORDER:

This petition is filed under Section 438 Cr.P.C. by the petitioner/accused seeking pre-arrest bail in Crime No.451 of 2017 on the file of the Station House Officer, Pendurthi Police Station, Visakhapatnam District, registered for the offences punishable under Sections 420 and 406 IPC and Section 5 of APPDFE Act.

2. Learned counsel for the petitioner submitted that the *de facto* complainant-agents of the company have no right whatsoever to lodge the complaint. He further submitted that the petitioner was falsely implicated in this case, therefore, it is a fit case to grant anticipatory bail. ***Per contra***, learned Additional Public Prosecutor representing the State submitted that the petitioner collected huge amount from different customers and failed to repay the amount, thereby cheated the public. He further submitted that the matter was entrusted to the CID on 10.08.2017 for investigation.

3. It is the case of the prosecution that on 09.06.2011 the petitioner started a company under the name and style of Sonall Bhoomnirmana & Farms (India) Pvt.Ltd., a non banking organisation and collected an amount of Rs.4.00 crores from different customers, who belong to different districts, from January 2013 to October 2013. It is the

further case of the prosecution that the petitioner collected money from the public with an intention to cheat them. It is the further case of the prosecution that the petitioner did not pay a single pie to the depositors even after expiry of the deposit period.

4. A perusal of the record reveals that the petitioner filed CrI.M.P.No.1812 of 2017 on the file of the Metropolitan Sessions Judge – cum – Special Judge to try the offences under NDPS Act, at Visakhapatnam, and the same was dismissed on 14.07.2017. A perusal of the record further reveals that the investigation is in progress. A perusal of the record *prima facie* reveals the role played by the petitioner in the commission of offence.

5. Taking into consideration the gravity of the offence alleged to have been committed by the petitioner and also the stage of investigation, this Court is of the considered view that it is not a fit case to grant pre-arrest bail to the petitioner-accused.

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

T.SUNIL CHOWDARY, J

Date: 06.09.2017

Rns

