

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5586 of 2017

ORDER:

This criminal petition is filed by the petitioner-accused No.4, under Section 438 Cr.P.C., seeking pre-arrest bail in Crime No.610 of 2016 on the file of the Station House Officer, Bhavanipuram Police Station, Vijayawada, Krishna District, registered for the offence punishable under Section 420 read with 34 IPC.

2. The learned counsel for the petitioner submitted that the petitioner has nothing to do with the alleged offence, therefore, it is a fit case to grant pre-arrest bail to the petitioner. ***Per contra***, the learned Additional Public Prosecutor representing the State submitted that the petitioner herein along with other accused cheated several people by making false promises that they will provide seats in medical colleges.

3. It is the case of the prosecution that the *de facto* complainant paid an amount of Rs.13,00,000/- to accused Nos.1 to 3, who assured that they will provide medical seat to his son in Rajiv Gandhi Institute of Medical Sciences, Davanagere, Karnataka State, in the year 2015 with the help of the petitioners. It is the further case of the prosecution that the petitioner along with others neither provided the medical seat to the son of the *de facto* complainant nor returned the money.

4. In order to appreciate the contention of the learned counsel for the petitioner, this Court carefully scanned the CD file. A perusal of the record *prima facie* reveals that accused Nos.1 to 3 along with the petitioner collected money from different persons assuring that they will provide medical seats. The petitioner is examiner of MCI and belongs to State of U.P. Whether the other accused collected the money with the consent of the petitioner or not will come to light during the course of investigation. A perusal of the record reveals that the investigation is in progress and accused Nos.1 to 3 are absconding. If the petitioner is granted pre-arrest bail, the possibility of intervening with the progress of investigation cannot be ruled out. In this type of offences, the Court has to consider the impact of the offence on the society.

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

6. In the result, the criminal petition is dismissed.

T.SUNIL CHOWDARY, J

01st September, 2017

Rns

