

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.641 of 2017

ORDER:

The petitioners, who are accused in Crime No.866 of 2016 of Jawaharnagar Police Station, Rachakonda District, filed the present application under Sections 438 Cr.P.C., seeking release in the event of arrest in connection with the above crime registered for the offences punishable under Section 420 IPC and Section 3(1)(r)(s) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. The case of the prosecution is as under:

The informant as well as the petitioners are known to each other since several years. It is alleged that taking advantage of their acquaintance, petitioners approached the informant in the month of May, 2015 stating that the 1st petitioner (B. Madhavi) claiming herself to be a Class-I superior office of highest rank in Irrigation Department promised to procure Government jobs in various departments. A.2 along with his wife A.1 used to take the informant to Hi-Tech City and other Government departments to give an impression that they are powerful and having relations with influential people. It is stated that, on 30.08.2016, both the accused called the informant and his family members and directed them to pay the amount for the purpose of providing employment. After receiving the amount, A.1 is said to have passed on a receipt on non-judicial stamp paper. The informant is alleged to have paid a sum of Rs.3 lakhs on the said date by way of cash, when A.1 promised to provide employment within one month. The averments in the report also show that number of other persons paid

amounts ranging from Rs.3 lakhs to Rs.7 lakhs on various dates. When the accused failed to fulfill the promise, the informant and others went to the house of the accused where the accused are alleged to have threatened them with dire consequences apart from abusing the informant in filthy language before several others, touching his caste.

3. Learned counsel for the petitioners mainly submits that even accepting the allegations in the report to be true, no offence is made out since no documentary evidence is placed on record to show that informant and others have paid any amount to the petitioners. It is further submitted that insofar as return of the cheque given by A.1 is concerned, it is contended that it relates to different transaction and has nothing to do with the case on hand. Insofar as the offence under the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, is concerned, it is alleged that abusing in front of others by both the petitioners in one voice and by using same words appears to be highly improbable. In view of the above, he submits that the request of the petitioners may be considered.

4. On the other hand, the learned Public Prosecutor opposed the application contending that statements of the witnesses recorded by the Police during the course of investigation show that both the petitioners collected a sum of Rs.18,65,000/-, making innocent people believe the promise made by them, viz., providing jobs in Government service. He further submits that in repayment of the amount taken, A.1 gave a cheque which was returned unpaid due to insufficiency of funds. Having regard to the allegations made and taking into consideration the nature of offences

committed, learned Public Prosecutor strongly opposed the request of the petitioners.

5. As seen from the case diary, more particularly the statements of L.Ws.1 and 2, which are placed before the Court, it is clear that number of persons are cheated and Rs.18,65,000/- was collected from various people promising them to provide employment in Government service. It may be true that the prosecution could not place any material evidence, but at the same time, it is to be noted that those documents would be in the custody of the petitioners who are evading the process of law and arrest. Unless they are arrested, no recovery can be effected from them. Even otherwise, there is no reason to disbelieve the statements of the witnesses, who, in one voice, spoke about collection of money by the petitioners, promising to provide Government jobs. The statement of L.W.1 also shows the issuance of cheque bearing No.33733 drawn on State Bank of India in the name of the father of L.W.1, when presented was returned due to insufficiency of funds. The statements also indicate execution of bond on Rs.100/- stamp paper promising to repay the amount within one month. Since the amount was not paid, as promised, the informant and others went to the house of the petitioners, where the petitioners abused and threatened them with dire consequences, apart from abusing the informant by touching his caste. The said version gets ample corroboration from the statement of L.W.2. Truth or otherwise of these allegations cannot be gone into at this stage. Since the offence of cheating general public is grave and serious nature, I am not inclined to consider the request of the petitioners for grant of anticipatory bail.

6. According, this criminal petition is dismissed. However, petitioners shall surrender before the Court concerned and move an application for regular bail, in which event the same shall be dealt with in accordance with law at the earliest.

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

8th February, 2017
MRR

C. PRAVEEN KUMAR, J

