

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4849 of 2017

ORDER:

This criminal petition is filed, by the petitioners-accused Nos.1 and 2, under Section 438 Cr.P.C., seeking bail in the event of their arrest in Crime No.94 of 2016 on the file of the Station House Officer, Kaikaluru Town Police Station, Krishna District, registered for the offences punishable under Sections 420 read with 34 IPC.

2. The learned counsel for the petitioners submitted that in order to grab the property of the petitioners, the *de facto* complainant foisted a false case against them. He further submitted that the allegations made in the complaint do not constitute any offence much less the offence alleged to have been committed by the petitioners punishable under Section 420 IPC read with 34 IPC, therefore, it is a fit case to grant bail to the petitioners. ***Per contra***, learned Additional Public Prosecutor representing the State submitted that the allegations made in the complaint *prima facie* constitute the offence punishable under Section 420 read with 34 IPC. He further submitted that the petitioners herein collected an amount of Rs.4,60,000/- from different persons along with the complainant by making false promise that they will provide jobs in Tirumala Tirupathi Devasthanam and thereby cheated the complainant and others, therefore, it is not a fit case to grant bail to the petitioners. He further submitted that the petitioners herein previously filed CrI.P.No.4677 of 2017 and withdrawn the same on 20.06.2017

and on the very next day filed the present petition without disclosing the previous orders of this Court.

3. The facts leading to filing of the present petition are briefly as follows: One Bonam Herendra Kumar lodged a complaint to the Station House Officer, Kaikaluru Town Police Station, who in turn registered a case in Crime No.94 of 2016 against the petitioners and another. As per the allegations made in the complaint, the petitioners collected an amount of Rs.4,60,000/- from the *de facto* complainant and others promising that they will provide jobs in Tirumala Tirupathi Devasthanam and failed to provide jobs and to return the money. It is further alleged that on 17.04.2017, the petitioners herein conducted examination to the *de facto* complainant in Pooja Lodge, Tirupathi, as if the same was conducted by the Tirumala Tirupathi Devasthanam Authority. The petitioners earlier filed Crl.P.M.P.No.160 of 2017 on the file of the XI Additional District and Sessions Judge, Krishna, Gudivada, and the same was dismissed on 27.04.2017.

4. A perusal of the record *prima facie* reveals that the petitioners herein collected an amount of Rs.4,60,000/- from different persons including the complainant by making a false promise that they will provide jobs in Tirumala Tirupathi Devasthanam. The petitioners neither provided jobs nor returned the money. A perusal of the record *prima facie* reveals that the petitioners cheated the *de facto* complainant and others for unlawful gain.

5. As rightly pointed out by the learned Additional Public Prosecutor that the petitioners did not disclose in the affidavit that they filed CrI.P.No.4677 of 2017 and the same was withdrawn on 20.06.2017. Taking into consideration the nature of the offence alleged to have been committed by the petitioners, this Court is of the considered view that it is not a fit case to grant pre-arrest bail to the petitioners.

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

7th August, 2017
Rns

T.SUNIL CHOWDARY, J

