

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.2421 OF 2017

ORDER:

The petitioner, who is A.1 in Crime No.129 of 2016 of Bhainsa Town Police Station registered for the offences punishable under Section 420 of the Indian Penal Code, 1860 (for short 'I.P.C.') and Section 5 of Prize, Chits and Money Circulation Schemes (Banning) Act, 1978 (for short 'the Act, 1978'), filed the present criminal petition under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), to enlarge him on bail in connection with the above crime, as he is in judicial custody since 25.01.2017.

The case of the prosecution, in brief, is that the *de facto* complainant lodged a complaint with the SHO, Bhainsa Town Police Station, alleging that the petitioner obtained a house on lease near Kadda Hotel Nirmal Road, Bhainsa, and engaged the services of A.2 to A.6 for marketing and selling of products easily in the surrounding Villages of Bhainsa Town by scratching coupon for Rs.100.00. After scratching, they had given the gift article which appeared on the coupons on scratching for Rs.1800/-, later they fixed a date i.e. on 30.07.2016 for bumper draw near Kadda hotel, Nirmal Road, Bhainsa. They promised the customers to give first prize of Scooty, and other Dinner set, without paying any amount. The petitioner and other accused collected huge amount from the local public. Later they flew away during the night of 29.07.2016 closing the office - Varalakshmi Marketing and Sri Anjaneya Marketing and did not return the amount. On the strength of the allegations made in the complaint, the police registered a case and issued F.I.R.

The learned counsel for the petitioner mainly contended that the name of the petitioner is not appearing in the complaint, even in the remand report no details were mentioned against the petitioner, thereby he is no way concerned with the offence punishable under Sections 420 of I.P.C. and Section 5 of the Act, 1978 and prayed to enlarge the petitioner on bail.

The Public Prosecutor for the State of Telangana contended that the investigation is not yet completed and some of the subscribers from neighbouring Villages are to be examined to decide the exact amount the petitioner and other accused collected in money circulation business in the name and style of Varalaxmi Marketing and Sri Anjaneya Marketing. In case the petitioner was enlarged on bail, there is every possibility of his interference with further investigation and he will threaten the witnesses and prayed to dismiss the criminal petition.

Undoubtedly, the specific allegation against the petitioner is not made in the complaint or in the remand report. But the statements of witnesses recorded by the police under Section 161(3) of Cr.P.C. would go to show that the petitioner being the owner of Sri Varalaxmi Marketing and Sri Anjaneya Marketing engaged the services of A.2 to A.5 as agents for collection of money on his behalf. In such case, no specific allegation in the complaint need be mentioned. Therefore, on the ground that there is no specific allegation against the petitioner, he cannot be enlarged on bail.

It is the case of the prosecution where the petitioner along with his agents made false promise to the poor Villagers and collected huge amount and promise was turned down by them. Thus, the petitioner through his agents drove the general public of Bhainsa Town and

other neighbouring Villages to part with huge amount and committed offence against the Society, thereby, he is not entitled to claim bail, as there is every possibility of his interference with further investigation since the investigation is in the mid way. Hence, the criminal petition is liable to be dismissed.

In the result, the criminal petition is dismissed.

M.SATYANARAYANA MURTHY, J

28.03.2017
BV

