

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5787 of 2017

ORDER:

This criminal petition is filed by the petitioner-accused No.3, under Section 438 Cr.P.C., seeking pre arrest bail in Crime No.36 of 2014 on the file of the Station House Officer, Bhadrachalam Town Police Station, Khammam District, registered for the offences punishable under Sections 420 and 406 read with 120-b IPC.

2. The learned counsel for the petitioner submitted that the petitioner has nothing to do with the alleged offence as he is an employee of Gurudeva Infra Developers India Limited. He further submitted that even if the allegations made in the complaint are *ex facie* taken to be true and correct, no *prima facie* case is made out against the petitioner. ***Per contra***, learned Additional Public Prosecutor representing the State submitted that the petitioner has been absconding since 2014; therefore, it is not a fit case to grant anticipatory bail to the petitioner.

3. As per the prosecution case, the petitioner along with other Director of the company collected nearly Rs.150 to 200 crores from 35 to 40 thousand investors by making false promise and failed to repay the amount. The gist of the allegations made in the complaint is that the petitioner along with other accused cheated the public. Basing on the complaint lodged by Barri Ravindranath i.e., the *de facto* complainant, the Station House Officer, Bhadrachalam Town Police Station registered the present crime.

4. The petitioner filed CrI.M.P. No.716 of 2017 on the file of the Court of V Additional Sessions Judge, Kothagudem, under Section

438 of Cr.P.C., and the same was dismissed on 28.6.2017. The petitioner has been absconding since 2014.

5. While disposing of the petitions filed under Section 438 Cr.P.C., the Court has to exercise its discretionary power judiciously, basing on the sound principles of law. The Court has to take into consideration, the gravity of the offence alleged to have been committed by the petitioner as well as the impact of such an offence on the society.

6. Taking into consideration the gravity 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.

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

August 22, 2017
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T.SUNIL CHOWDARY, J

