HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11005 OF 2017

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioners-A.1 and A.2 in Crime No.736 of 2017 of Neredmet Police Station, Rachakonda, registered for the offence punishable under Section 420 I.P.C.

2. Heard Sri M. Naga Raghu, learned senior counsel representing Smt. M.V. Santha Kumari, learned counsel for the petitioners-A.1 and A.2, and the learned Additional Public Prosecutor appearing for the respondent-State, apart from perusing the material available on record.

3. The learned counsel for the petitioners-A.1 and A.2 would submit that a false report was lodged against the petitioners by one Gaddam Prasanna Lakshmi; the petitioners are respectable persons and nominated as Directors of the Food Corporation of India and the Board of Railways, respectively, who are husband and wife; they are falsely implicated in this case; they did not make any promise to the *de facto* complainant to procure any nominated posts, particularly, the post of Director of Food Corporation of India; there is no material to substantiate the allegations made against the petitioners; as a matter of fact, the *de facto* complainant committed the offences of cheating and land scams by creating forged documents in collusion with ante-social elements; she was also arrested in criminal cases and the same has come in the print and electronic media; the petitioners are ready to abide by any conditions, in the event of granting bail; there is no *prima facie* case against the petitioners; and ultimately, prayed to allow the bail application.

4. On the other hand, learned Additional Public Prosecutor appearing for the respondent-State opposed the grant of bail to the petitioners-accused under Section 438 Cr.P.C.

5. The material available on record reveals that the *de facto* complainant lodged the report with the police on 24.10.2017 stating that the petitioners approached her and informed her that they are searching people like her who are in social service for getting good national level central government nominated posts and also informed her that they are capable of getting suitable nominated post to her on arranging some amount. Firstly, the *de facto* complainant did not agree. In the year 2014, the *de facto* complainant was honoured for various national level awards in New Delhi for her social welfare activities. The petitioner-A.1 approached the *de facto* complainant and gave big publicity by giving her photos in newspapers and also informed her that she is the deserved personality to become Director of Food Corporation of India (FCI) and both the petitioners promised her to get that post and collected Rs.25,00,000/- on 06.11.2016 in their house and the petitioner-A.2 gave her a handwritten receipt acknowledging the receipt of the said amount. Thereafter, the petitioner-A.1 taken the *de facto* complainant to the Personal Secretary of the then Hon'ble President of India and both the petitioners have demanded another Rs.50,00,000/- for securing national level nominated post and collected blank cheques worth Rs.25,00,000/- from her. Thereafter, neither she was nominated to any post nor the amount was refunded. In that course, the petitioners have collected another Rs.50,00,000/- in cash and a receipt was issued by the petitioners acknowledging the same, besides some other amount towards expenses. Some money was paid by the bank transactions in favour of the petitioners. The petitioners did not fulfill the promise, thereafter they

started avoiding the *de facto* complainant her phone calls and hiding their faces. When the *de facto* complainant asked to return the amount, they agreed to repay the amount and the cheques were given by confessing their guilt. Thereafter, the petitioners approached the *de facto* complainant and promised to pay the amount by draft or cash, as they do not have amount in their bank account. The petitioners have also sent messages to the *de facto* complainant stating that they made a request to the bank to stop the payment. Thereafter, the petitioners have cheated her and also several other persons promising to provide nominated posts.

6. There is specific mention in the report dated 24.10.2017 lodged by the *de facto* complainant that the petitioners received huge amounts. There are also allegations that the petitioner-A.2 had issued receipts acknowledging the receipt of the money from the *de facto* complainant. There are three cheques said to be in possession of the petitioners given by the *de facto* complainant for Rs.10,00,000/-, Rs.10,00,000/- and Rs.5,00,000/-. There are messages and other communications between the parties to the litigation. The petitioners have simply denied the taking money from the *de facto* complainant and also stated that they have not promised her to get any nominated post. The alleged involvement of the *de facto* complainant in number of criminal cases would be a matter of trial and decision of the criminal courts. Merely because the *de facto* complainant is the accused in criminal cases, the report dated 24.10.2017 lodged by her cannot be brushed aside. Further, when there are alleged receipts, cheques and other communications between the parties, it cannot be said that the whole material is fabricated for the purpose of this case. The allegations are grave and serious in nature. There are also specific allegations of the petitioners introducing the *de facto* complainant to the number of officials

working in the office of the President of India, etc. There are also allegations of the petitioners abusing their positions, misleading the *de facto* complainant and collecting huge amounts from her. The matter requires in-depth investigation. The petitioners are influential persons. There is every possibility of hindering the investigation and causing disappearance of the material evidence. Viewing from any angle, it is not at all a fit case to allow this bail application under Section 438 Cr.P.C.

7. In the result, this Criminal Petition is dismissed. As a sequel, miscellaneous petitions, if any pending in this Criminal Petition, shall also stand dismissed.

Dr. SHAMEEM AKTHER, J

Date: 29-11-2017.
siva

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Crl.P. No. 11005 OF 2017

Date. 29-11-2017

siva