

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.11597 of 2017

ORDER:

This petition is filed seeking for grant of anticipatory bail to the petitioner, who is accused No.2 in Crime No.272 of 2014 on the file of the Station House Officer, Kurnool II Town Police Station, Kurnool.

2. Heard the counsel for the petitioner and the Public Prosecutor appearing for the respondent.

3. As per the case of the prosecution, the petitioner and A11, who is his wife, acted as Chief Agents of the company, which allegedly cheated the public by collecting sealed deposits, on a promise that they would allot plots and later, they failed to keep up the promise.

4. The counsel for the petitioner now contends that the petitioner and A11 are only agents of the company and hence, they cannot be alleged with any *mens rea* to commit the offence.

5. The Public Prosecutor, on the other hand, vehemently opposes the petition on the ground that these persons are almost partners of the firm as they have been actively motivating the public to join the scheme. A11 was, however, granted anticipatory bail by the lower court, but the reasons for granting anticipatory bail to the said petitioner are not mentioned in the order. The Public Prosecutor submits that only on the ground that the petitioner therein is a woman; the

anticipatory bail was granted to her. The discussion in the order went on the lines of dismissing the petition. But, however, the Court below was inclined to grant anticipatory bail for A11 for no reasons mentioned. The assumption, that it was by considering that A11 is a woman, is possible.

6. This Court opines that the petitioner herein does not, hence, stand on par with A11, who is granted bail, and the facts of the case do not entitle him for anticipatory bail. Hence, from the facts of the case, this Court opines that this is not a fit case for granting anticipatory bail. However, the petitioner can obtain regular bail by surrendering himself before the police.

The Criminal Petition is, accordingly, dismissed. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

December 26, 2017
LMV

T. RAJANI, J

