

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.3048 OF 2018

ORDER:

This petition is filed under Section 438 of Criminal Procedure Code (for short "Cr.P.C.") by accused No.1, apprehending his arrest, in Crime No.46/2018 on the file of Khammam I Town Police Station, Khammam, registered for the offences punishable under Sections 420 and 506 of Indian Penal Code (for short "I.P.C."), to direct the Station House Officer, Khammam I Town Police Station to release him on bail in the event of his arrest in connection with the above crime.

Defacto complainant A.Ramarao lodged a report with the police alleging that he developed acquaintance with accused No.2 - Shaik Azmira Khaja, Tailor, who in turn introduced the petitioner herein, who is resident of Khammam and having close acquaintance with all departments and promising to provide employment to various persons after completion of their education. Defacto complainant and others contacted the petitioner over phone in the presence of Shaik Azmira Khaja, who directed the defacto complainant and others to come to his residence at Khammam, accordingly they went to the residence of the petitioner on 16.02.2017 and paid Rs.5,00,000/- and later on four occasions, at his residence, they paid some amount and also deposited some to amount to the credit of his account No.915010012098905. In total, they paid Rs.52,00,000/- to the petitioner, thereafter petitioner failed to provide employment to the defacto complainant and others, thereby cheated them.

It is the contention of the petitioner that the petitioner is also unemployed, who completed B.Tec. and paid Rs.8,00,000/- to Md.Muzeeb for providing employment, who is working as Assistant Traffic Manager in RTC Department and having close acquaintance with all departments and he collected more than Rs.1,50,00,000/- from various persons and cheated the petitioner and others, in fact the petitioner is also victim, but not accused and he is apprehending his arrest and prayed for grant of pre-arrest bail.

Learned Public Prosecutor for the State of Telangana opposed the petition and contended that the other accused No.2 is yet to be arrested and he is absconding and in the event of granting bail to the petitioner, chances of arrest of other accused are bleak.

It is a peculiar case where the petitioner collected Rs.52,00,000/- from various persons referred in the complaint and the same was reported to the police by the defacto complainant. Petitioner also lodged report with the police against Md.Muzib, after 5 days of lodging report against the petitioner. The contents of report lodged with the police by the petitioner and the contents of report lodged with the police by the defacto complainant, if read together it is evident that certain amounts were collected from various persons referred in the complaint promising to provide employment and some amount was credited to the account of the petitioner in Axis Bank vide account No.915010012098905, that itself creates any amount of suspicion about the role played by the petitioner, that apart the petitioner paid part of the amount. Collecting huge amount from unemployed youth promising to provide employment is serious offence and this is nothing but

making dishonest representation to the unemployed youth and collection of amount by corrupt practices is a heinous crime. Therefore, the petitioner does not deserve any sympathy.

Therefore, the petitioner is not entitled to claim pre-arrest bail, since grant of pre-arrest bail is an exception and unless the Court found certain exceptional circumstances that he did commit no offence *prima facie*, this Court cannot grant pre-arrest bail to the petitioner. Hence, I find no ground to grant pre-arrest bail. Consequently, the petition is liable to be dismissed.

In the result, the petition is dismissed.

The miscellaneous petitions pending, if any, shall also stand closed.

20.03.2018
Ksp



JUSTICE M. SATYANARAYANA MURTHY