

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

WEDNESDAY, THE SECOND DAY OF MAY TWO THOUSAND AND EIGHTEEN

:PRESENT:
THE HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO: 4516 OF 2018

Between:

M.Pavan Kumar Reddy, S/o Tirupal Reddy, Aged about: 43 years, Near Maternity Ward, Sri Ramulapeta, Proddatur, Y.S.R Kadapa District

.....Petitioner/Accused No.15

AND

1. The State of A.P, Rep., by its Public Prosecutor, High Court at Hyderabad
2. Sri G.V.Raghava Reddy S/o Veera Reddy, D.No.7/300, Holmaspet, Anjali Towers, Proddatur Town.

.....Respondents

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to grant anticipatory bail by ordering the petitioner enlargement in the event of his arrest in connection with FIR No. 88 of 2015 of Proddatur III Town Police Station, YSR Kadapa District on such terms and conditions as deemed fit and proper in the circumstances of the cases.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of K JYOTHI PRASAD Advocate for the Petitioner, and of PUBLIC PROSECUTOR (AP) for the Respondent No.1 and the Court made the following.

ORDER:

The petitioner, who is A.15 in Crime No.88 of 2015 of Proddatur III Town Police Station, Y.S.R. Kadapa District, registered for the offence punishable under Sections 406 and 420 of the Indian Penal Code, 1860, Section 5 of the Andhra Pradesh Protection of Financial Establishments Act, 1999 and Section 4 read with 76 of the Chit Fund Act, 1982, filed this criminal petition under Section 438 of the Code of Criminal Procedure, 1973 to issue a direction to the Station House Officer to release him on bail in the event of his arrest in connection with the above crime.

The allegation against the petitioner is that, he is one of the Directors of Sravan Chit Fin.(P) Ltd., Proddatur, which collected the amount to a tune of 8 crore rupees by cheating the public by way of deposits, but failed to repay the same to the persons from whom the amount was collected, and thus allegedly committed an offence punishable under sections referred above.

The first and foremost contention of the petitioner is that the petitioner is not the Director of the Company as on the date collection or default and produced certain documents in support of his contention and that too the amount due to the *de facto* complainant was Rs.59,00,000/-, and according to the representation of the petitioner, he paid part of the amount, and the amount was due only Rs.16,00,000/- approximately, but according to the Public Prosecutor (A.P.) an amount of Rs.10,00,000/- was due, and the entire investigation is completed and the other accused were already enlarged on bail.

Therefore, taking into consideration of the facts and circumstances of the case and payment of the major part of the amount due to the *de facto* complainant, the petitioner is entitled to be enlarged pre-arrest bail.

In the result, the criminal petition is allowed, directing the Station House Officer, Proddatur III Town Police Station, Y.S.R. Kadapa District, to release the petitioner on bail in the event of his arrest in connection with Crime No.88 of 2015, on execution of his personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh Only) with two sureties for a like sum each to the satisfaction of the said SHO.

It is further directed that the petitioner shall not leave the headquarters and shall stay at YSR Proddatur Town and shall not leave Kadapa District without prior permission of the Magistrate Proddatur; report the Station House Officer, III town Police Station, Proddatur, on every alternative day between 5.00 p.m. to 10.00 p.m. for a period of two months or till filing charge sheet, whichever is earlier; he shall not leave the country without prior permission of

the Judicial Magistrate of First Class Proddatur, and he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

//TRUE COPY//

Sd/- CH. VENKATESWAR
ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To,

1. The 1st Additional Judicial First Class Magistrate, Proddatur, YSR Kadapa District.
2. The Judicial Magistrate of First Class, Pulivendula.
3. The Station House Officer, Proddatur III Town Police Station, YSR Kadapa District.
4. The Station House Officer I Town Police Station, YSR Kadapa District.
5. Sri G.V.Raghava Reddy S/o Veera Reddy, D.No.7/300, Holmaspet, Amjali Towers, Proddatur Town.
6. One CC to SRI K JYOTHI PRASAD Advocate [OPUC]
7. One CC to PUBLIC PROSECUTOR (AP) Advocate [OPUC]
8. One spare copy.

Note: The correction in the 2nd, 3rd, 4th, and 8th lines of the last para of the order dated 02-05-2018 as per the order of this court dated 26-06-2018 made in IA.NO.1 of 2018. Substitute this amended order in place of earlier order, which was dispatched on 02-05-2018

Sd/- CH. VENKATESWAR
ASSISTANT REGISTRAR

HIGH COURT

MSMJ

DATED:02/05/2018

DATED: 26/06/2018

AMENDED ORDER.

ORDER

CRLP.No.4516 of 2018

BAIL

