

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6997 OF 2018

ORDER:

The petitioner is A.2, among two accused, none other than the wife of accused No.1 of Crime No.82 of 2018 on the file of Nandyal II Town Police Station, Kurnool District, registered for the offences punishable under Sections 420 read with 34 IPC and 306 read with 511 IPC.

2. The allegations, from the complaint of the *de facto* complainant – Yerikala Benakamma, are that she joined Sai Guru Raghavendra Banking coaching at Nandyal where she got acquaintance with accused Nos.1 and 2 as she was the paying guest at the same hostel, and A.2 was undertaking coaching in the same centre and both of them became close and A.1, who was also undertaking coaching, borrowed Rs.10,000/- for MBA fee from the *de facto* complainant as having come to know of the fixed deposit in the account of the *de facto* complainant which pertain to the terminal benefits of her mother who died while in service and induced with pretext to secure employment in railways through his maternal uncle's son to part with Rs.7,50,000/- with a promise to repay after securing job and again another amount of Rs.2.00 lakhs and again asked to pay Rs.22.00 lakhs and failed to repay the amount supra and not only that when demanded to repay, they abetted to commit suicide by

pouring kerosene and she was taken to Bellary for treatment and after recovery reported the occurrence.

3. Counsel for the petitioner – A.2 says besides A.1 was arrested and got regular bail, if at all borrowal is by A.1, A.2 is a house-woman, innocent, and falsely implicated and got milk sucking child born on 14.12.2017 and, thereby, entitled to the concession of anticipatory bail.

4. Learned Public Prosecutor opposes for grant of anticipatory bail as there is *prima facie* accusation.

5. A perusal of the factual matrix that the petitioner – A.2 is not entitled to the concession of anticipatory bail but for to say none of the offences punishable above seven years, police shall strictly follow Section 41-A Cr.P.C. and the guidelines of the Apex Court in **Arnesh Kumar v. State of Bihar**¹ in the event of any requirement of arrest. Needless to say if any changed circumstances to move for regular bail referred to above to consider on own merits.

6. Accordingly, this Criminal Petition is disposed of.

Dr. B. SIVA SANKARA RAO, J

Date:01.08.2018
usd

¹ (2014) 8 SCC 273