

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.10242 OF 2018

ORDER:

The petitioners are A1 & A2 in Crime No.280 of 2018 of Railway Kodur Police Station, YSR Kadapa District. The crime is registered on 02.06.2018 for the offence punishable under Section 420 r/w 34 IPC.

2. Heard the learned counsel for petitioners and the learned Special Assistant Public Prosecutor representing the State of Andhra Pradesh in opposing the same and perused the F.I.R., the bail application averments, Part I case diary and dismissal order of the anticipatory bail of the petitioners dated 11.09.2018 passed by the learned III Additional District & Sessions Judge, Rajampet in CrI.M.P.No.1784 of 2018.

3. A perusal of the record shows petitioner No.2 filed the Insolvency Petition in I.P. No.21 of 2017 before the learned Senior Civil Judge, Rajampet, and referred ten creditors in Schedule A to a tune of Rs.85,73,000/- which include two chit amount transactions of Rs.1.00 lakhs and Rs.5.00 lakhs respectively for others mentioned as pronotes, there even the *de facto* complainant is not figured for the alleged chit amount. According to the *de facto* complainant, the chit amount due to her is one among 15 others ranging from Rs.1.00 lakh to Rs.10.00 lakhs of about Rs.75.00 lakhs in total and A1 (husband of A2) misused the amounts by purchase of immovable property and doing call money business and indebted to several persons to a tune of more than Rs.2.00 crores.

4. The contention of learned counsel for the petitioners is that petitioner No.1 is nothing to do and he is an employee as Lineman in the Electricity Department and petitioner No.2 did any chit business or borrowed amounts and she filed the Insolvency Petition and there is nothing due to the *de facto* complainant much less by any chit transaction and it is a false implication and thereby, entitled to the concession of anticipatory bail.

5. The Learned Special Assistant Public Prosecutor opposed the same by reiterating the F.I.R. averments and the investigation is in progress and the learned III Additional District & Sessions Judge, Rajampet rightly dismissed the anticipatory bail application of the petitioners.

6. A perusal of the material on record no way enables the Court to exercise the discretion to the personal liberty of the petitioners for concession of anticipatory bail.

7. Hence, this Criminal Petition is dismissed, subject to the observation that as none of the offences are punishable above seven years, the police strictly follow Section 41-A Cr.P.C. and the guidelines in **Arnesh Kumar Vs. State of Bihar**¹.

Dr. B. SIVA SANKARA RAO, J

05.10.2018
MVA

¹ (2014) 8 SCC 273