THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11797 OF 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A-36, A-40 and A-41, for grant of bail in Crime No.65 of 2011 of Bitragunta Police Station, Sri Potti Sri Ramulu Nellore District, registered for the offences punishable under Sections 406, 420 and 120B I.P.C. and Section 5 of the A.P. Protection of Depositors of Financial Establishments Act, 1999.

2. Heard the learned counsel for the petitioners/A-36, A-40 and A-41, the learned Additional Public Prosecutor representing respondent No.1/State and perused the record.

3. Learned counsel for the petitioners/A-36, A-40 and A-41 would contend that the petitioner/A-36 and petitioner/A-40 are employees; that the petitioners/A-36, A-40 and A-41 belong to respectable families and they have nothing to do with the trust being run under the name and style of 'Heavenly International Mission' (HIM) and they are not responsible for collection of any money from any person; that the petitioners/ A-36, A-40 and A-41 are falsely implicated in this case and in the even of their arrest and remand to judicial custody, the petitioner/A-36 and petitioner/A-40 would lose job and ultimately, prayed to allow this application.

4. On the other hand, the learned Additional Public Prosecutor opposed the grant of bail to the petitioners/A-36, A-40 and A-41 and prayed to dismiss this application.

5. The material on record reveals that the trust under the name and style of 'Heavenly Interdenominal Mission' (HIM) was established by one Melangi Prabhakar @ John Prabhakaran as its chairman. He has appointed number of agents to collect money from the public in SPSR Nellore District. As per the regulations, every member has to pay an amount of Rs.10,500/- and on that, he would be paid an amount of Rs.2,700/- per month for the first two months and Rs.5,400/- per month for the next nine months. The petitioners/A-36, A-40 and A-41 (A-38, A-42 and A-43 as per charge sheet) acted as agents of HIM and collected crores of rupees from the public and thereafter, the amount was not paid as promised by the trust. It is also brought to the notice of this Court that the petitioners/A-40 and 41 are husband and wife and they collected an amount of Rs.9.00 crores and above. Further, the petitioner/A-36 also collected huge money and diverted the same to his credit and purchased a house for sale consideration of Rs.15,58,000/-. The petitioners/A-36, A-40 and A-41 are instrumental in propagating the scheme and collecting huge money from the innocent public. There are specific and grave allegations against the petitioners/A-36, A-40 and A-41 in indulging in the membership programme as well as collecting huge money and violating the provisions of Section 5 of the A.P. Protection of Depositors of Financial Establishments Act. The gravity of the offences is high. Custodial interrogation is required. It cannot be said that the petitioners/A-36, A-40 and A-41 have no

connection with the huge amount collected from the public in the name of the trust and they are innocent persons as contended. The petition is devoid of merit and is liable to be dismissed.

6. Accordingly, the Criminal Petition is dismissed.

7. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

DR.JUSTICE SHAMEEM AKTHER

Date : 14.12.2018
AMD

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AMD