

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.12426 OF 2017

ORDER:

This Criminal Petition is filed under Section 438 Cr.P.C. seeking to grant anticipatory bail to the petitioners-A.2 to A.4 in Crime No.707 of 2017 of Ramachandrapuram police station, Cyberabad registered for the offences punishable under Sections 420 read with 34 IPC, 5 of the Andhra Pradesh Protection of Depositors of Financial Establishments Act, 1999, and 5 & 6 of the Andhra Pradesh Chit Funds Act, 1971.

2. Heard the learned counsel for the petitioners-A.2 to A.4, the learned Additional Public Prosecutor and perused material available on record.

3. The learned counsel for the petitioners-A.2 to A.4 would submit that the petitioners-A.2 to A.4 are innocent persons and falsely implicated in this case; that no chit business was conducted either by them or A.1; that there are no documents to show the conducting of chit business by any of the petitioners herein, and that all the allegations levelled against them are false, and ultimately, prayed to allow the application.

4. On the other hand, the learned Additional Public Prosecutor appearing for the respondent-State opposed the grant of bail to the petitioners-A.2 to A.4 under Section 438 Cr.P.C.

5. In view of the contentions put forth by both sides, the point for determination is whether the petitioners-A.2 to A.4 can be granted bail under Section 438 Cr.P.C.?

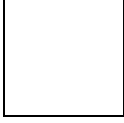
6. The material placed on record reveals that petitioner-A.2 is wife, petitioner-A.3 is daughter-in-law, and petitioner-A.4 is son, of A.1 in this crime, and all of them conducted chit business and made 200 persons to join as members of the chits, collected huge money from them to the tune of Rs.17.00 crores and thereafter did not pay the chit amounts. There is no license to run chit business. There is also specific allegation against the petitioners-A.2 to A.4 in the First Information Report that they were also collecting money from subscribers. Learned Additional Public Prosecutor submits that the petitioners-A.2 to A.4 and the accused No.1 maintain small books showing receipt of chit amounts from the subscribers. Under these circumstances, it cannot be said that no chit business was conducted either by the petitioners-A.2 to A.4 or by A.1. It cannot be held that the petitioners-A.2 to A.4 are innocent persons. There is also record to show that the petitioners-A.2 to A.4 are absconding after committing the offences alleged. There is stringent punishment for conducting chit business without license. In the event of granting bail, there is possibility of causing disappearance of material evidence. Certainly, release of petitioners would hinder investigation. There are no justifiable grounds to enlarge the petitioners-A.2 to A.4 on bail under Section 438 Cr.P.C. The Criminal Petition is devoid of merit and is liable to be dismissed.

7. In the result, the Criminal Petition is dismissed.

Dr. SHAMEEM AKTHER, J

Date: 04.01.2018
DRK

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER



Crl.P. No. 12426 of 2017

04.01.2018

DRK