

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

MONDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND EIGHTEEN

:PRESENT:
THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO: 13636 OF 2018

Between:

1. Sara Shiva Karna, S/o. Sara Bala Swamy,
2. Nama Sunil Kumar, S/o. Mallikarjuna Gupta,

Petitioners/Accused No.1 & 2

AND

The State of Telangana, Rep. by its Public Prosecutor, High Court of Judicature at Hyderabad,
For the State of Telangana and the State of Andhra Pradesh.

Respondent

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the petition and the grounds filed herein, the High Court may be pleased to grant Anticipatory Bail to the Petitioners/Accused No.1 and 2 in the event of their arrest by any Police Officer in Cr.No.740 of 2018 dated. 06/10/2018 of S.R. Nagar Police Station, Hyderabad, registered under Section 420 and 406 of I.P.C;

Counsel for the Petitioners : SRI S.M.RAFEE

Counsel for the Respondent : ADDL. PUBLIC PROSECUTOR (TS)

The Court made the following ORDER:

"This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A.1 & A.2, for grant of anticipatory bail in Crime No.740 of 2018 of Sanjeevareddy Nagar Police Station, Hyderabad District, registered for the offences punishable under Sections 420 and 406 of I.P.C.

2. Heard the learned counsel for the petitioners/A.1 & A.2, the learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. It is contended by the de-facto complainant (mother of the victim) that her daughter sought admission in a medical course, which is equivalent to MBBS, at Washington University of Barbados School of Medicine. Due to deficiency in service and some harassment alleged to have meted out to her, she could not pursue the medical course there and came back to India. Her admission relates to the year 2017 and an amount of Rs.16,50,000/- was paid towards college fees etc. The de-facto complainant further contended that her daughter lost one academic year and she was cheated.

4. The learned counsel for the petitioners/A.1 & A.2 would submit that there are number of students who sought admission in the aforementioned University and are

pursuing their medical course. The daughter of the de-facto complainant alone came back to India on the ground that she has to attend her cousin's marriage. She applied leave for the same and came back to India. There are no laches on the part of the petitioners/A.1 & A.2 as alleged in the report, dated 06.10.2018, lodged by the de-facto complainant and ultimately prayed to allow the application.

5. On the other hand, the learned Additional Public Prosecutor opposed for grant of anticipatory bail to the petitioners/A.1 & A.2.

6. As per the records placed before this Court, the petitioner/A.1 is the Managing Director of Career Plus abroad Educational Services India Private Limited and the petitioner/A.2 is an employee of the said consultancy. The said consultancy is recognised by the Government of India, which renders assistance to the Indian students to pursue medical Course abroad, particularly in the aforementioned University. Every year, hundreds of students are being sent abroad to pursue medical courses and everything is made clear to them before they are sent to pursue the medical course. The daughter of the de-facto complainant, under the guise of cousin's marriage, came back to India, having pursued the medical course in the aforementioned University for about six months.

7. It is apt to extract the first paragraph of the report, dated 06.10.2018, lodged by the de-facto complainant with the police concerned, which reads as follows:

"This is to request you to arrest and get back our amount spent and damages if not possible file FIR against Mr.Shiva Karna, MD, Ph No.9704232283 of Career Plus Abroad Education Services Consultancy, O/o, Flat No.202, Swasthik Plaza, above Himalaya Book World, Main Road, S.R.Nagar, Hyderabad 500 038 and one of the director of Washington University of Barbados School of Medicine, Casa Granade, Hibiscus Block, Old Bury St.Phillip, Barbados, Caribbean Island, South America."

From the above, it appears that the de-facto complainant intended to get her money back. If there are omissions and commissions on the part of the employees of the aforementioned University with regard to the students, the same can be placed before the authorities of the University. Under these circumstances, the petitioners/A.1 & A.2 can be granted bail under Section 438 of Cr.P.C.

8. Accordingly, the petitioners/A.1 & A.2 are directed to surrender before the Station House Officer, Sanjeeva Reddy Police Station, Hyderabad District, within a period of 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioners/A.1 & A.2 on bail on each of them executing a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties in a like sum each to his

satisfaction. On such release, the petitioners/A.1 & A.2 shall report before the said Station House Officer on every Sunday between 09:00 AM and 10:00 AM, till filing of the charge-sheet. The petitioners/A.1 & A.2 shall also abide by the conditions stipulated in Section-438 (2) of the Code of Criminal Procedure, 1973, and shall cooperate with the investigating officer in the investigation of the case.

9. The Criminal Petition is, accordingly, allowed.

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

Sd/- M. MANJULA
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The III Addl. Chief Metropolitan Magistrate, Hyderabad.
2. The Station House Officer, SR Nagar Police Station, Hyderabad.
3. Two CCS to Public Prosecutor, (TS), High Court of Judicature, at Hyderabad (OUT)
4. one CC to Sri S.M. Rafee, Advocate (OPUC)
5. One Spare Copy

HIGH COURT

DR.SA,J

DATE: 31-12-2018



ORDER

CRL.P. NO. 13636 OF 2018



PETITION ALLOWED

