THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.1312 of 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.1, for grant of anticipatory bail in Crime No.55 of 2018 of Khanapuram Haveli Police Station, Khammam Disrtrict, registered for the offences punishable under Sections 406 & 420 of IPC and Section 5 of the A.P. Protection of Depositors of Financial Establishments Act, 1999.

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

3. The learned counsel for the petitioner/A.1 would submit that in fact, the daughter of the de-facto complainant had taken Rs.10,00,000/- from the father of petitioner/A.1 to procure employment to her sister in USA. When employment in USA was not procured, the daughter of the de-facto complainant transferred an amount of Rs.4,32,000/- to the bank account of the petitioner/A.1 on different dates. All the allegations made in the First Information Report are false and ultimately prayed to allow the application.

4. On the other hand, the learned Additional Public Prosecutor opposed the grant of bail to the petitioner/A.1.

5. As per the First Information Report, dated 20.02.2018, lodged with the police by the de-facto complainant (father of Prathima Guntupalli), the petitioner/A.1 has got acquaintance with

the daughter of the de-facto complainant and his son-in-law, who are residing in USA. Making the de-facto complainant, his daughter Prathima and his son-in-law to believe that the petitioner/A.1 is doing a registered chit fund business, the petitioner/A.1 made them to subscribe a chit for Rs.10,00,000/-. The monthly subscription was Rs.25,000/- for 40 months. The first chit auction was held on 01.07.2012. Thereafter, the daughter of the de-facto complainant had deposited amount into the bank account of the petitioner/A.1 through electronic fund transfer from ICICI Bank, SR Nagar, Hyderabad. In the auction held on 02.07.2015, the daughter of the de-facto complainant was declared as successful bidder, having agreed to forego an amount of Rs.90,000/-. Thereafter, when a demand was made to pay the prize money Rs.9,10,000/-, it was not paid till date. It is also mentioned in the subject First Information Report that the petitioner/A.1 used to maintain a small note book and used to pass receipts whenever amount was credited to her bank account through electronic fund transfer. As per the investigation, this petitioner/A.1 is indulging in running a private chit business, without there being registration of chit and bye-laws and she is maintaining small note book etc., evidencing subscription made by the subscribers of the chits. Though it is contended that the daughter of the de-facto complainant received huge money from the father of the petitioner/A.1 in order to procure employment to the sister of the petitioner/A.1 in USA, no scrap of paper is filed and nothing has been demonstrated to substantiate the same. The petitioner/A.1 being a woman cannot be a ground to allow this application under Section 438 of Cr.P.C. The allegations are grave.

The punishment prescribed for the alleged offences is stringent. The matter requires thorough investigation. It is not a fit case to consider this bail application under Section 438 of Cr.P.C.

6. Hence, the Criminal Petition is dismissed.

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

Dr. SHAMEEM AKTHER, J

08th April, 2019
Bvv