

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.5894 of 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A-2 and A-3, seeking to grant anticipatory bail in Crime No.1038 of 2018 of Miyapur Police Station, Cyberabad, registered for the offences under Sections 406, 420 and 506 IPC and Section 5 of the Protection of Depositors of Financial Establishments Act, 1999.

2. Heard learned counsel for the petitioners/A-2 and A-3, learned Additional Public Prosecutor appearing the respondent-State and perused the record.

3. It is alleged in the complaint that the de facto complainant and others joined in the chit run by accused No.1; that petitioner Nos.1 and 2 herein/accused Nos.2 and 3 used to collect the chit amounts from the de facto complainant and others; that when the de facto complainant and others demanded to return their chit amounts, the petitioners did not pay the same and thereby, cheated the de facto complainant and others and also threatened to kill them. Hence, the complaint.

4. Learned counsel for the petitioners/A-2 and A-3 would submit that the de facto complainant has filed false complaint against the petitioners only to harass them and to defame their reputation in the society. He would further submit that the de facto complainant is a rich and influential person; that he is abusing the process of law with

false complaint only to bring the petitioners and their family members to his dictated terms to knock down their properties; that the petitioners do not have any criminal record; and that the petitioners are apprehending their arrest by the Police based on the false allegations levelled against them by the de facto complainant. He would further submit that the petitioners have not conducted any chit business in any manner along with accused No.1; that petitioner No.1 is a senior citizen and is suffering with old age ailments and petitioner No.2 was not present at the place of commission of offence as he was working at Chennai; that the petitioners are law abiding citizens and they undertake to abide by any conditions imposed by this Court in the event of their release on anticipatory bail.

5. Learned Additional Public Prosecutor has vehemently opposed the petition and submitted that petitioner Nos.1 and 2 herein/accused Nos.2 and 3, who are the husband and the son of the accused No.1, in the name of running chit business collected huge amounts from various persons and they have not paid the chit amount to the chit members for which the present complaint has been filed; and that even after the complaint is filed, the petitioners have transferred the immovable properties in the name of the son-in-law of petitioner No.1 herein, which clearly shows that the petitioners/accused are trying to evade their liability. The investigation into the case is still in progress and hence, the petitioners are not entitled for grant of anticipatory bail.

As seen from the contents of the F.I.R., there are specific allegations against the petitioners that in the garb of collecting the chit fund amount, they collected huge sums from many persons and when the chit amount has been demanded by the chit members, they have not paid the same. Thus, there are serious allegations against the petitioners.

8. Thus, having regard to the nature and gravity of the allegations levelled against the petitioners and their involvement in the chit fund business which is being run by accused No.1, I am not inclined to release the petitioners on anticipatory bail.

9. The application is accordingly dismissed.

10. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

26th September 2019
dr

JUSTICE G. SRI DEVI