

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

WEDNESDAY, THE TWENTY SIXTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY

**:PRESENT:
THE HON'BLE JUSTICE G SRI DEVI
CRIMINAL PETITION NO: 1222 OF 2020**

Between:

Mohd. Ilyas, S/o.Late Mohammed Omer

...Petitioner/Accused No.1

AND

The State of Telangana, Rep. by its, Public Prosecutor, High Court of Judicature at Hyderabad

....Respondent/Complainant

Petition under Sections 437 & 439 of Cr.P.C, praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to enlarge the Petitioner on Bail in F.I.R No.74/2020 dt.04.02.2020 on the file of Punjagutta Police Station, Hyderabad.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI.P.SHRAVAN KUMAR GOUD Advocate for the Petitioner and ADDL.PUBLIC PROSECUTOR (TG) for Respondent, the Court made the following.

ORDER

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.1222 of 2020

ORDER:

This Criminal Petition, under Sections 437 and 439 of the Code of Criminal Procedure, is filed seeking to grant bail to the petitioner-accused No.1 in Crime No.74 of 2020 on the file of Panjagutta Police Station, Panjagutta Division, registered for the offences under Sections 406 and 420 IPC.

2. The brief facts of the case as per the complaint are that the de facto complainant approached Beckon Overseas Career Private Limited regarding PR visa for Canada and paid Rs.53,100/- on 22.12.2018 and 29.12.2018; and that after many follow-ups and calls made, they realised that the said company is being vacated and thus, the de facto complainant was cheated by the false promise made by the employees and the Manager of the said company. Hence, the complaint.

3. Learned counsel for the petitioner/accused No.1 submitted that the petitioner is the Director of the said company which is a reputed one and he has been running the same since three years successfully; that the amount collected from the de facto complainant has already been remitted to the Bank account of the de facto complainant by way of banker's cheque. Learned counsel further submitted that the petitioner has been languishing in jail since 06.02.2020; and that he is ready to abide by any conditions that may be imposed by this Court and is ready to furnish solvent sureties to the satisfaction of the Court in the event of his enlargement on bail.

4. Learned Additional Public Prosecutor though opposed to grant bail to the petitioner conceded to the fact that the petitioner paid Rs.55,000/- to the de facto complainant by way of banker's cheque and submitted that in the event, the petitioner is granted bail, some stringent conditions may be imposed on him.

5. Looking into the nature of allegations levelled against the petitioner and having regard to the facts and circumstances of the case, without delving into the merits of the case, and as an amount of Rs.55,000/- is stated to be paid to the de facto complainant by the petitioner by way of banker's cheque, a copy of which is filed along with the present petition, I am inclined to grant bail to the petitioner.

6. The Criminal Petition is allowed and the petitioner-accused No.1 shall be released on bail on the following terms and conditions:

- (i) That the petitioner shall execute a personal bond for a sum of Rs.15,000/-(Rupees fifteen thousand only) with two sureties for a like sum each to the satisfaction of the learned XIV Additional Chief Metropolitan Magistrate, Hyderabad.
- (ii) that the petitioner shall appear before the Investigating Officer on second and fourth Saturday of every month between 10.00 AM to 2.00 PM., till completion of investigation or filing of the charge sheet, whichever is earlier.
- (iii) that the petitioner shall appear before the Court concerned personally on each date of hearing till conclusion of the trial.
- (iv) That the petitioner shall not indulge in similar activities in future and if it is found that he is involved in similar nature of offences/activities, the liberty granted to him shall automatically stand cancelled.

- (v) that the petitioner shall not tamper with the prosecution witnesses;
- (vi) that the petitioner shall co-operate with the investigating agency.
- (vii) that the petitioner shall not misuse the liberty granted to him.

7. As a sequel, miscellaneous applications, if any pending, shall stand closed.

SD/- T.KRISHNA KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The XIV Additional Chief Metropolitan Magistrate, at Hyderabad.
2. The Superintendent, Chanchalguda Jail, Hyderabad.
3. The Station House Officer, Punjagutta Police Station, Hyderabad.
4. One CC to SRI. P SHRAVAN KUMAR GOUD Advocate [OPUC]
5. Two CCs PUBLIC PROSECUTOR (TG), High Court at Hyderabad (OUT)
6. One spare copy

HIGH COURT

GSD,J

DATED; 26.02.2020

CRL.P.NO.1222 OF 2020

BAIL

