THE HONOURABLE JUSTICE G. SRI DEVI

<u>CRIMINAL PETITION No.1277 of 2020</u>

<u>ORDER</u>:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by petitioner/A3, seeking to grant anticipatory bail to him in Cr.No.21 of 2020 on the file of Kalapathar Police Station, Hyderabad District, registered for the offence under Section 420 IPC and under Section 3 read with Sections 4 and 5 of Prize Chits and Money Circulation Schemes (Banning) Act, 1978.

2. Heard learned counsel for the petitioner/A3, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The case of the prosecution is that the petitioner/A3 along with the other accused had circulated booklets and pamphlets of lucky draw in the name and style of 'Ever Green Enterprises" at Meer Sagar Ansari Road, near Idli Hotel, Kalapathar, Hyderabad, and every member has to pay a sum of Rs.1,000/-per month for a period of 14 months and on regular payment, the accused would provide prizes as mentioned in the booklet. Accordingly, the de-facto complainant paid a sum of Rs.1,000/- per month for 12 months, but he did not get any prize, and that on enquiry, he came to know that the accused were cheating the members by running lucky draw scheme without any valid documents and proper permission and collecting money from innocent people.

4. Learned counsel for the petitioner/A3 submits that the petitioner does not know the de-facto complainant and that as he is a friend of other accused, his name was implicated in the crime falsely. He further submits that the petitioner has nothing to do with

the alleged crime. He further submits that the petitioner hails from respectable family and he is a permanent resident of Hyderabad and that he shall furnish sufficient sureties to the satisfaction of the Court. He further submits that the petitioner shall abide by any condition imposed by this Court.

5. Learned Additional Public Prosecutor vehemently opposed the relief sought in the petition and submits that the other accused in the present case have already been arrested by the police and that the petitioner/A3 is one of the partners of the said firm. He further submits that all the accused had collected more than 1 crore of rupees and an amount of Rs.60 lakhs was apportioned amongst all the accused and that the petitioner/A3 received a sum of Rs.15 lakhs towards his share.

6. In view of the nature of allegations leveled against the petitioner/A3 and his involvement in commission of the crime by collecting amounts from the innocent public under the garb of lucky draw scheme and apportioned the said amount by all the accused, I am not inclined to grant anticipatory bail to him and his prayer for anticipatory bail is refused.

7. Hence, the Criminal Petition is dismissed.

8. Miscellaneous applications, if any pending in this criminal petition, shall stand dismissed.

G. SRI DEVI, J

2nd March, 2020.

sj