

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITIONS No. 5359, 5360 AND 7238 OF 2021

COMMON ORDER:

These Criminal Petitions under Section 438 Cr.P.C. are filed by petitioners – Accused Nos. 4, 3 and 2 respectively seeking bail in the event of their arrest in connection with Crime No. 50 of 2021 of P.S. Central Crime Station, Hyderabad registered for the offences punishable under Sections 420, 403, 406, 465 and 468 IPC.

2. The case of prosecution is that on 15.03.2021, a complaint was received from Smt. Varanasi Varalakshmi and Sri Kesari Ramesam stating that they used to make recurring, term and fixed deposits in Post Office at Kacheguda and having learnt about the same, Accused No.2 approached them by introducing himself as agent of Post Office and regularly visited their house with Accused No.3 – wife and Accused No.4 – son and introduced them also as Licensed Agents of Kacheguda Post Office. It is further alleged that believing the promises and assurances of petitioners, huge amounts were invested by the complainants and various other persons. Subsequently, when complainants were in need of money and decided to close MIS/Time Deposit Accounts that were getting matured, Accused No.2 took original pass books and cheques from them for getting the cheques issued from the Post Office. It is also alleged that on presenting the cheques, they were returned with an endorsement as 'Insufficient funds'. When complainants approached the Post Office to verify the deposits, they came to know that all the investments made by them were not credited to their accounts and the entries in the passbook shown

by the accused are fabricated as the Post Office records are not reflecting the investments. Further, Accused issued own cheques as if they were issued by Post Master, Kacheguda and thus, cheated complainants and others. Initially, FIR No. 90 of 2021 was registered on the file of Kacheguda Police Station and later, it was transferred to P.S. Central Crime Station *vide* Crime No. 50 of 2021.

3. Learned counsel for petitioners Ms. Monica P. Pole submits that as per the complaint, amounts were deposited in the account of Accused No.1 and nothing has been alleged against these petitioners and even as per the case of complainants, account payee cheques were issued in favour of Accused No.1. It is submitted by learned counsel that petitioners are made scapegoats and they have been implicated in this crime falsely. It is also submitted that even if all the allegations made in the complaint are taken on its face value, they do not constitute the offences under Sections 420, 403, 406, 465 and 468 IPC., hence, the case of petitioners may be considered for grant of pre-arrest bail.

4. On the other hand, learned counsel for de facto-complainants, Sri K. Balakrishna, submits that there is no dispute about the fact that cheques were issued in the name of Accused No.1 and subsequent investigation reveals that impersonating complainants, these petitioners have opened accounts not only in the name of complainants, but also of several others running into Rs.1 crore and odd. It is the contention of learned counsel for complainants that in fact, it is represented by all the accused that they are postal agents and both Accused Nos. 2 and 3 were not

agents right from 2012. Suppressing the said fact, they have cheated complainants and withdrawn huge sums of money. Along with the Petition, he filed several documents to show how the money was withdrawn by the accused impersonating the complainants and several innocent people who are also senior citizens and who deposited their money in the banks, hence, petitioners are not entitled for grant of pre-arrest bail.

5. In reply to the same, learned counsel for petitioners submits that absolutely there is no material to show that petitioners are not agents from 2012 and it is also not the case of complainants that amounts were given to petitioners but account payee cheques were issued in the name of Accused No.1. She submits that police may be directed to follow the procedure contemplated under Section 41-A Cr.P.C.

6. Learned Assistant Public Prosecutor submits that investigation so far reveals the acts done by these accused in misappropriating Rs.1,54,00,000/-. It is submitted that apart from the complainants, there are several innocent people who were cheated by these petitioners. He submits that to unravel the truth, the custody of petitioners may be required. Hence, it is submitted that this is not a case for pre-arrest bail. Learned Assistant Public Prosecutor further submits that some of the offences alleged against petitioners are punishable with imprisonment of above seven years, as such, they are not entitled for issuance of notice under Section 41-A Cr.P.C.

7. Heard learned counsel on either side and perused the material on record.

5. As rightly argued by learned counsel for petitioners, though actual involvement of petitioners is not stated, as per the submissions made by learned counsel for complainants as well as learned Assistant Public Prosecutor, it appears, investigation reveals the active involvement of petitioners in misappropriating amounts which is running to a tune of Rs.1,54,00,000/-. Hence, this Court is the view that these are not fit cases for grant of pre-arrest bail.

6. The Criminal Petitions are accordingly, dismissed.

LALITHA KANNEGANTI, J

29th November 2021

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