THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

<u>CRIMINAL PETITION NO.7774 OF 2021</u>

<u>ORDER</u>:-

This petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking pre-arrest bail to the petitioner/A.3 (as per remand report) in the event of her arrest in connection with Crime No.2 of 2020 of CID (TS) Police Station, Hyderabad, registered for the offences punishable under Sections 406, 409 and 420 read with 120-B of the Indian Penal Code, 1860 (for short 'IPC').

2. The case of prosecution is that the petitioner along with other accused persons committed criminal breach of trust by Agents/Brokers of Forest Trading and cheated in conspiracy since August, 2017 onwards and lured the complainant and other gullible general public and taken away their money. Basing on the complaint, the present crime is registered.

3. Heard Mr.P.Vishnuvardhana Reddy, learned Senior Counsel, appearing on behalf of petitioner, and learned Assistant Public Prosecutor for the respondent-State.

4. Learned Counsel submits that the petitioner is un-connected with any of the transactions of Shiv Shakti Associates and the only allegation against the petitioner is that A.4 has transferred an amount of Rs.4,25,000/- to the accounts of the petitioner and her mother.

5. Learned Assistant Public Prosecutor has filed counter-affidavit stating that an amount of Rs.48,75,600/- has transferred to the account of A.4-Muddam Ramesh. He submits that the petitioner is working in Shiv Shakti Associates. So far their investigation reveals that an amount of Rs.4,25,600/- was transferred to the accounts of the petitioner and her mother. As the investigation is pending, the petitioner is not entitled for pre-arrest bail.

6. Learned senior counsel appearing on behalf of the petitioner submits that except stating that the amounts are transferred to the accounts of the petitioner and her mother, they could not establish any nexus between the petitioner and other accused. It is submitted that Shiv Shakti Associates is a company, who hired the services of the petitioner in increasing their client base and petitioner was paid incentive for sourcing any clients from them and it is purely an incentive based job. Except this, the petitioner is no way related to any of the allegations. He submits that the petitioner will deposit whatever the amount that is alleged to have been transferred to the accounts of the petitioner and her mother.

7. Learned Assistant Public Prosecutor submits that crime is of the year 2020, investigation is pending and they are yet to file charge sheet in few days.

8. Taking into consideration the fact that this is a crime of 2020 and even as per the case of the prosecution an amount of Rs.4,25,600/- has

been transferred to the accounts of the petitioner and her mother by A.4 and the complainant did not attribute any role to the petitioner, this Court deems it appropriate to grant pre-arrest bail to the petitioner.

9. Accordingly, this Criminal Petition is allowed. Petitioner/A.3 shall surrender before the Station House Officer, CID (TS) Police Station, Hyderabad, in connection with Crime No.2 of 2020 within one week from today and on such surrender and executing a personal bond for a sum Rs.3,00,000/- (Rupees three lakhs only) with two sureties for a like sum each to the satisfaction of the said Station House Officer, she shall be released on bail. It is made clear that no further extension of time will be granted. On such release, the petitioner shall appear before the said Station House Officer, CID (TS) Police Station, Hyderabad, once in a fortnight i.e., 1st and 3rd Sunday between 10.00 a.m. and 01.00 p.m. till filing of charge sheet.

Consequently, miscellaneous applications pending, if any, shall stand closed.

LALITHA KANNEGANTI, J

Date :28.12.2021
mar