

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 8449 OF 2021

O R D E R:

This Criminal Petition under Section 438 Cr.P.C. is filed by petitioner – Accused No. 4 seeking pre-arrest bail in connection with Crime No. 2 of 2020 of CID Police Station, Telangana State, Hyderabad registered for the offences punishable under Sections 406, 409 and 420 read with Section 120-B IPC.

2. The case of prosecution is that Accused Nos. 6 and 7 induced *de facto* complainant to invest in trading business of one-coin and accordingly, *de facto* complainant transferred Rs.53 lacs into the account of Accused No.6. It is alleged that Accused Nos. 1 and 6 gave profits for three months and thereafter, failed to pay the same. It is further alleged that as per the inducement of Accused No.7, *de facto* complainant also deposited Rs. 35 lacs into his account, but Accused Nos. 2 and 7 failed to pay the amount.

3. A detailed counter – affidavit is filed by the prosecution, wherein it is stated that an amount of Rs.27 lacs was transferred to this petitioner's account by Accused No.7, who collected those amounts from *de facto* – complainant.

4. Learned counsel for petitioner Sri P. Nagendra Reddy submits that Section 409 IPC. has no application to the case of petitioner and as the other offences are punishable with

imprisonment below seven years, police may be directed to follow the procedure under Section 41-A Cr.P.C.

5. On the other hand, learned Assistant Public Prosecutor submits that several people were cheated by petitioner and other accused and investigation is still pending, at this stage, he is not entitled for grant of pre-arrest bail.

6. Looking at the allegations in the report, this Court is not inclined to grant pre-arrest bail to petitioner. However, as requested by learned counsel for petitioner, petitioner is at liberty to move an Application seeking regular bail. On such Application being filed, the Court concerned shall consider the same in accordance with law.

7. Accordingly, the Criminal Petition is dismissed.

LALITHA KANNEGANTI, J

16th December 2021

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