

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 9247 of 2021

ORDER:

This petition is filed under Section 438 Cr.P.C. seeking bail to petitioner/A-1 in the event of his arrest in connection with Crime No.151 of 2021 of Nampally Police Station, Hyderabad District, registered for the offences punishable under Sections 406, 420 and 506 IPC.

2. The case of the prosecution is that A1 induced the de-facto complainant to invest money into FQ Investment Group Private Limited for doing stock exchange business, and believing the words of A1, he paid total amount of Rs.31,90,000/-, by way of cash and cheques on different dates, to A1, but till date, he has not received any amount as profit as promised by A1, and when the de-facto complainant asked for return of amount, A1 and A2 have threatened him with dire consequences stating that they know higher officials in police and various departments.

3. As the offences alleged against the petitioner are punishable with imprisonment below 7 years, this Court is inclined to pass an order directing the police to follow the procedure as contemplated under Section 41-A Cr.P.C, at that time, learned counsel for the petitioner submits that already a notice under Section 41-A Cr.P.C. was issued to the petitioner. Learned counsel for petitioner submits that the petitioner is a Government employee and even he has submitted his reply to the notice under Section 41-A Cr.P.C., police are still calling him to the police Station and making him to sit in the police station from 10.00 am to 5.00 pm., which is causing much inconvenience to the petitioner being a Government employee and hence, his case may be considered for pre-arrest bail.

4. On the other hand, learned Assistant Public Prosecutor submits that even in the notice under Section 41-A Cr.P.C., police have mentioned that the petitioner shall appear in person at 11.00 hours on 22.11.2021 at

Nampally Police Station. However, for the reasons best known to the petitioner, this kind of allegations are made.

5. Be that as it may, as already the police have issued notice under Section 41-A Cr.P.C., they should follow the guidelines issued by the Apex Court in ***Arnesh Kumar v. State of Bihar***¹. Taking into consideration the fact that the petitioner is a Government employee, this Court deems it appropriate to grant pre-arrest bail to petitioner, however, on certain conditions.

6. The Criminal Petition is allowed. Petitioner – Accused No.1 shall surrender before the Station House Officer, Nampally Police Station, Hyderabad, in connection with Crime No.151 of 2021 within one week from today and on such surrender and executing a personal bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer, he shall be released on bail. On such release, the petitioner/A1 shall appear before the police concerned as when required for the purpose of investigation and the police shall give prior notice to petitioner mentioning the specific time and date of his appearance till completion of investigation and filing of the charge sheet. It is made clear that no further extension of time will be granted.

LALITHA KANNEGANTI, J

21st December, 2021

sj

¹ (2014) 8 SCC 273

