

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.1522 of 2022

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by the petitioner – Accused No. 2 in Crime No.50 of 2021 on the file of 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 Mr. H. Prahaladha Reddy, submits that the petitioner was arrested and remanded to judicial custody on 06.01.2022 and ever since, he is languishing in jail. He submits that even it is the case of the complainant that the transaction took place by way of account payee cheque and there is no scope for the petitioner to misappropriate and in the absence of any cash transactions making the entries in the passbooks after the encashment of cheques in the account of A1, is the duty of A1 and the petitioner is unconnected with any of those allegations. Learned counsel submits that the petitioner has done his job by presenting the cheques in the post office towards deposit, he got entries in the passbooks and handed over the same to the complainant, and at the time of the closure after completing the procedure, handed over the cheques

issued by A1 to the complainant and except that, he has not involved in any of the offences alleged. He further submits that after arrest of the petitioner, the police have sought for custody and after that application was filed. Learned counsel submits that most part of the investigation is completed and the petitioner is ready to cooperate with the investigation and as such, his case may be considered for grant of bail.

4. Learned counsel for the 2nd respondent-de facto complainant has filed counter stating that earlier, the petitioner has filed anticipatory bail petition before this Court and this Court, by order dated 29.11.2021 has dismissed the petition and observed that as per the submissions made by learned for the complainant 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/-. Learned counsel further submits that there is a *prima facie* case and the petitioner's conduct is lucid and that the other accused being family members are at large, in such circumstances, granting of bail would cause prejudice and as the amount involved is nearly Rs.2 Crores and as the investigation is in progress as vital material is to be obtained, the petitioner is not entitled for bail. He submits that the crime is registered in March, 2021, nearly after a year, the petitioner only after a year has apprehended and the other accused are yet to be arrested and at this stage, he is not entitled

for bail. He also submits that as the offences are grave in nature and as the investigation is yet to be completed, the petitioner is not entitled for bail.

5. On the other hand, learned Assistant Public Prosecutor submits that investigation is pending and so far 8 witnesses were examined and A1, who is the postmaster, is yet to be arrested. He submits that if the petitioner is enlarged on bail, he may hamper the investigation process and influence the complainants and witnesses, who are senior citizens, as such, they are not entitled for bail. He submits that A4 has filed a quash petition before this Court and an interim order was granted not to arrest him.

6. Earlier, this Court by order dated 29.11.2021 in CrI.P.No.7238 of 2021 has refused to grant pre-arrest bail to petitioner/A2 as *prima facie* material is shown about his involvement in the alleged crime. Now, the petitioner is before this Court by way of regular bail and he is languishing in jail from the last 53 days. Admittedly, the custody of the petitioner was sought. The apprehension that is expressed by both the learned Assistant Public Prosecutor as well as learned counsel for the 2nd respondent-de-facto complainant seems to be ill founded and without any basis and no material is placed before this Court in support of the same. Since the petitioner was in jail from the last 53 days, his custody was already sought and as he is ready to cooperate with the

investigation, this Court deems it appropriate to grant bail to the petitioner.

7. The Criminal Petition is therefore, allowed. Petitioner -Accused No.2 shall be enlarged on bail in Crime No.50 of 2021 on the file of Central Crime Station, Hyderabad, on his executing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the XVII Additional Chief Metropolitan Magistrate at Hyderabad FAC XII Additional Chief Metropolitan Magistrate at Hyderabad. The petitioner shall appear before the police concerned till completion of trial on 1st and 15th of every month between 10.00 a.m. and 1.00 p.m. Petitioner shall cooperate with the investigation and he shall not tamper the evidence and influence the witnesses. If any of the conditions are violated, the prosecution is at liberty to move an application seeking cancellation of bail.

LALITHA KANNEGANTI, J

28th February, 2022.

sj

