

THE HONOURABLE SMT. JUSTICE G.ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION No.4364 of 2022

ORDER

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking bail to the petitioner/Accused No.1 in the event of his arrest in Crime No.1846 of 2021 on the file of Rajendranagar Police Station, Cyberabad, for the offences punishable under Sections 420 and 406 of Indian Penal Code.

2. The brief facts of the prosecution case are that the *de facto* complainant, by name Dr.Karthik Emmadi, lodged a complaint before the Inspector of Police, Rajendra Nagar Police Station, against the accused alleging that he was cheated in the hands of accused persons by investing Rs.70,00,000/- in a fake and fraudulent company, namely, People Wins Technologies, a data entry company run by the petitioner/Accused No.1 through on-line Banking transaction on a promise of getting profits on the same day evening or on the next day morning by collecting lakhs of rupees on ID registration (Rs.6,000/- per I.D.) fees and Rs.1,000/- on Rs.10,000/- profit without informing to the investors and when the defacto complainant requested the accused to return the amount, there was no response from him and he was cheated in the hands of the accused persons and hence, he prays to take necessary action against the accused.

3. Learned counsel for the petitioner submitted that even as per the complaint, A-2 and A-3 have promised the *de facto* complainant. He further submitted that the petitioner/Accused No.1 has not committed any offence and he has no acquaintance with the *de facto* complainant and not involved any business transaction in converting the encrypted file to word documents. He further submits that A-2 and A-3 have approached the petitioner with a proposal to invest amount in business and to expand the business and he accepted the proposal and there were no specific overt acts against the petitioner/Accused No.1.

4. On the other hand, learned Assistant Public Prosecutor opposed to grant anticipatory bail contending that investigation is still in progress and prayed to dismiss the anticipatory bail application.

5. Heard the learned counsel for petitioner/Accused No.1 and the learned Assistant Public Prosecutor for respondent-State. Perused the record.

6. The record reveals that A-2 and A-3 were released on bail on 23.02.2022. Admittedly, the alleged offences in this case are under Sections 406, 420 I.P.C, and notice under Section 41-A Cr.P.C., is not served on the petitioner. Therefore, taking into consideration that A-2 and A-3 were already released on bail, it is a fit case to grant Anticipatory Bail to the petitioner/Accused No.1.

7. Accordingly, the Criminal Petition is allowed and the petitioner/Accused No.1 shall be enlarged on bail in the event of his arrest subject to the following conditions:

i) The petitioner/Accused No.1 is directed to surrender before the XIV Additional Metropolitan Magistrate, Cyberabad at Rajendra Nagar, within a period of ten (10) days from today, and on such surrender, he shall be enlarged on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties for the like sum each to his satisfaction.

ii) The petitioner/Accused No.1 shall appear before the Station House Officer, Rajendra Nagar Police Station on every Sunday between 10.00 AM and 12.00 PM till filing of the charge sheet.

ii) The petitioner/Accused No.1 shall co-operate with the investigation and he shall not leave Hyderabad and Ranga Reddy Districts, without permission of the Court.

SMT.G.ANUPAMA CHAKRAVARTHY,J

12th May, 2022.

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