

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 6798 of 2022

ORDER:

This Criminal Petition is filed under Section 437 & 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking regular bail to the petitioners/A1 & A2 in Crime No.124 of 2022 on the file of Police Station Central Crime Station (CCS), Hyderabad, registered for the offences punishable under Sections 406 and 420 read with 34 IPC and Section 5 of TSPDFE Act, 1999.

2. Heard learned counsel for the petitioners and learned Assistant Public Prosecutor for the respondent-State and perused the record.

3. The case against the petitioners is that they have collected amounts from general public and for the purpose of Drive Inn Food business. Further, a total sum of Rs.13,00,00,000/- (Rupees Thirteen Crores only) was collected, and as far as the de facto complainant is concerned, an amount of Rs.80,00,000/- (Rupees Eighty lakhs only) was collected from him.

4. Learned counsel for the petitioners would submit that as per the complaint, the amounts were given in cash, which cannot be believed, and the police had taken custody. The de facto complainant filed an arbitration petition *vide* ARB.O.P.No.57 of 2022, which was dismissed.

5. Learned Assistant Public Prosecutor, on the other hand, submits that there are three more cases pending against these petitioners and the petitioners have cheated others adopting the same modus operandi.

6. As seen from the MOU dated 26.03.2021, which was between the petitioner No.1/Accused No.1 and the *de facto* complainant, petitioner No.2/Accused No.2 is not part of the said MOU.

7. In the said circumstances, this Court is of the opinion that petitioner No.2/Accused No.2, who is the mother aged about 55 years, can be released on bail subject to the following conditions.

i. Petitioner No.2/Accused No.2 is directed to be released on bail on executing personal bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with two sureties for a like sum each to the satisfaction of XII Additional Chief Metropolitan Magistrate, Hyderabad.

ii. On such release, petitioner No.2/Accused No.2 shall appear before the concerned Station House Officer as and when required, for the purpose of investigation.

iii. Petitioner No.2/Accused No.2 shall abide by the other conditions stipulated in Section 437 (3) of Cr.P.C.

8. As far as petitioner No.1/Accused No.1 is concerned, the Criminal Petition is dismissed.

9. Accordingly, the Criminal Petition is partly allowed.

Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

Date :10.08.2022

v v

K.SURENDER, J

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Dt.10.08.2022