

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1763 of 2023

ORDER:

1. Heard Sri A.Sharat Chandra, learned counsel for the petitioners as well as the learned Additional Public Prosecutor who is representing the Respondent-State.
2. Seeking pre-arrest bail, the present Criminal Petition is filed under Section 438 Cr.P.C. on behalf of the petitioners, who are arrayed as Accused Nos.33 & 35 in Crime No.236 of 2020 of Kamareddy Police Station.
3. The facts of the case in nut shell as could be perceived through the contents of the complaint are that one Company by name 'Beersheba Company' is involved in money circulation business and that company assured that in case a person deposits Rs.30,000/-, then the Company would pay Rs.10,000/- per month for a period of eight months and in case Rs.2,70,000/- is deposited, the Company would pay Rs.90,000/- per month for a period of eight months; but such amount was not paid and number of persons were victimized.

4. Stating that the petitioners are not involved in any such activities, learned counsel for the petitioners submits that Accused Nos.1 to 3 are the real culprits and the petitioners were working in the office of Accused No.1 and Accused No.1 was maintaining his office by conducting business in the name of 'KEY NEXT INDIA REAL ESTATE FOODS & ADS BEERSHEEBA FOODS'. Learned counsel also submits that the petitioners were performing their duties as part-time employees and they have nothing to do with the alleged transactions and police are harassing the petitioners by calling the petitioners to police station and threatening them of arrest and therefore, anticipatory bail may be granted.

5. The submission of the learned Additional Public Prosecutor, on the other hand, is that Accused Nos.1 to 3 made believe twenty seven thousand persons by their words and got them invested their hard earnings. Learned Additional Public Prosecutor further submits that the investigation is still pending. However, forty three (43) witnesses are examined till now. Learned Additional Public

Prosecutor did not state that any of those witnesses spoke against the petitioners directly.

6. The submission of the learned counsel for the petitioners, as earlier stated, is that the petitioners are only Part -time employees under Accused No.1.

7. Having considered these aspects, this Court is of the view that the request of the petitioners can be honoured, however, conditionally.

8. In the result, the Criminal Petition is allowed with the following conditions:

- (i) The petitioners/Accused Nos.33 & 35 are directed to surrender before the concerned Court within ten (10) days. On such surrender, they shall be enlarged on bail on their executing a personal bond for Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties for like-sum each to the satisfaction of the Court concerned. The sureties are directed to submit their two latest passport size photographs at the time of furnishing solvency. One such photograph is ordered to be pasted in the Surety Register against the name of the surety. The other

photograph shall be kept in the case record concerned.

- (ii) The petitioners/Accused Nos.33 & 35 shall report before the Station House Officer, Kamareddy Police Station on every Monday between 10.30 a.m. and 12:00 p.m. till filing of final report.
- (iii) The petitioners/Accused Nos.33 & 35 should not involve in any unlawful activity.
- (iv) The petitioners/Accused Nos.33 & 35 should afford all assistance for the proper investigation of the case.
- (v) The petitioners/Accused Nos.33 & 35 should not cause the evidence of the offence disappear.
- (vi) The petitioners/Accused Nos.33 & 35 should not tamper with the evidence in any manner.
- (vii) The petitioners/Accused Nos.33 & 35 should not by way of inducement, threat or promise, dissuade any person who is acquainted with the facts of the case from disclosing such facts to the Court or to the Police Officer.
- (viii) In case the petitioners/Accused Nos.33 & 35 hold a passport, they shall surrender the same.

- (ix) The petitioners/Accused Nos.33 & 35 should ensure their presence whenever required by the Court or Police.
- (x) The petitioners/Accused Nos.33 & 35 shall not leave India without previous permission of the Court concerned.
- (xi) The petitioners/Accused Nos.33 & 35 shall file an affidavit before the Court concerned disclosing the following particulars:-
 - (1) Contact number
 - (2) Mail address
 - (3) Residential particulars.

In case, there is any change of the aforementioned details, the petitioners shall intimate the Court concerned by giving fresh affidavits duly mentioning the change. They shall continue to do so till filing of the final report.

Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the pre-arrest bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:28.02.2023
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