

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.4098 of 2023

ORDER:

Heard Sri M.Ravi Prakash, learned counsel for the petitioners, as well as the learned Additional Public Prosecutor who is representing the respondent-State.

2. Seeking the Court to enlarge the petitioners, who are arrayed as accused Nos.1 and 2 in Crime No.37 of 2023 of Central Crime Station, Hyderabad, on bail, the present Criminal Petition is filed under Section 439 Cr.P.C.

3. The facts of the case in nut-shell, as could be perceived through the contents of the complaint, are that petitioner No.1 was selling sarees and dresses from her house and many women used to buy the material from her. She was also running chit business. Basing on the acquaintance, several individuals gave amounts to petitioner No.1 through cheques and otherwise. Promissory notes were also executed. Also, she collected huge amounts in chit business. However, finally, she failed to pay the amounts to the subscribers and clear the dues. Subsequently, the victims came to know that

the house which stood in the name of the petitioners was also sold by them.

4. Making his submission that the Telangana Protection of Depositors of Financial Establishments Act, 1999, is not applicable so far as the alleged acts of the petitioners are concerned, learned counsel for the petitioners states that the petitioners have not committed any offence whatsoever. Learned counsel also submits that the petitioners were arrested on 03.4.2023 and remanded to judicial custody and since then, they are in judicial custody and as the entire investigation is completed, they may be enlarged on bail. Learned counsel further submits that so far as petitioner No.2 is concerned, he is the husband of petitioner No.1 and there are no overt acts against him.

5. The submission of the learned Additional Public Prosecutor, on the other hand, is that the investigation is still pending. Learned Additional Public Prosecutor also states that petitioner No.1 left to U.S.A. cheating the victims and after return, she started to reside at the State of Karnataka hiding her identity particulars. Learned Additional Public Prosecutor also submits that the amounts collected have to

be traced and recovered. Learned Additional Public Prosecutor further states that 16 witnesses were examined till now.

6. Gone through the contents of the material available on record including the contents of the complaint and Part-I Case Diary. The contents of those documents reveals grave allegations so far as petitioner No.1 is concerned. Further, by the submission of the learned Additional Public Prosecutor, it is clear that the investigation is still in progress. Therefore, this Court is of the view that the request of petitioner No.1 cannot be honoured at this stage. So far as petitioner No.2 is concerned, this Court considers it desirable to honour his request conditionally.

7. Resultantly, this Criminal Petition is allowed in part with the following conditions:-

- (i) Petitioner No.2/accused No.2 shall be enlarged on bail on his executing a personal bond for Rs.50,000/- (Rupees Fifty thousand only) with two sureties for the 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) In case, petitioner No.2/accused No.2 holds a passport, he is directed to surrender the same, if it is not seized by now.

(iii) Petitioner No.2/accused No.2 should not involve in any unlawful activity.

(iv) Petitioner No.2/accused No.2 should afford all assistance for proper investigation of the case.

(v) Petitioner No.2/accused No.2 should not cause the evidence of the offence disappear.

(vi) Petitioner No.2/accused No.2 should not tamper with the evidence in any manner.

(vii) Petitioner No.2/accused No.2 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) Petitioner No.2/accused No.2 should ensure his presence whenever required by the Court or Police.

(ix) Petitioner No.2/accused No.2 shall not leave India without previous permission of the court concerned.

(x) Petitioner No.2/accused No.2 shall report before the Station House Officer, Central Crime Station, Hyderabad, on every Sunday and Thursday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) Petitioner No.2/accused No.2 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 in the aforementioned details, the petitioner shall intimate the court concerned by giving a fresh affidavit duly mentioning the change. He 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 bail granted.

This Criminal Petition so far as petitioner No.1 is concerned, stands dismissed.

Dr. JUSTICE CHILLAKUR SUMALATHA

26.4.2023

dr