

HON'BLE SMT.JUSTICE G.ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION No.4649 OF 2023

ORDER:

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail to the petitioner, in the event of his arrest in Cr.No.109 of 2023 on the file of Yellandu Police Station, Bhadradri Kothagudem District, registered for the offences punishable under Sections 420, 294(b) and 506 of Indian Penal Code.

2. Heard learned counsel for the petitioner-accused and learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. The case of the prosecution, in brief, is that the petitioner's father was running Chit Fund Company and the *de facto* complainant has joined in the chit value of Rs.5,00,000/- with monthly installment of Rs.20,000/- and the duration of the chit is 25 months. In the month of April 2022, the father of the petitioner has conducted chit, and though the *de facto* complainant is the highest bidder, the father of the petitioner failed to pay the chit amount of Rs.5,00,000/- to the *de facto* complainant and dragged the matter from time to time and abused the *de facto* complainant in filthy language by uttering his caste name.

4. Learned counsel for the petitioner contended that a private complaint is preferred by the *de facto* complainant before the Court below, which in turn, referred the matter to Yellandu Police Station under Section 156(3) Cr.P.C and the Station House Officer, Yellandu Police Station, registered the same as crime No.109 of 2023, for the offences punishable under Section 420 of Indian Penal Code, Section 5 of the Protection of Depository Financial Establishment Act, 1999 and Section 4 of the Chit Funds Act.

Learned counsel for the petitioner further contended that the petitioner is innocent and the allegations leveled in the complaint are against his father only and not against him. Therefore, he prayed to grant anticipatory bail to the petitioner.

5. Having regard to the said circumstances, the petitioner can be granted the relief of anticipatory bail.

6. Accordingly, the Criminal Petition is allowed and the petitioner/Accused shall be enlarged on bail in the event of his arrest subject to the following conditions:

- i) The petitioner/Accused is directed to surrender before the Judicial First Class Magistrate at Yellandu, Bhadradri Kothagudem District, on or before 21.05.2023, and on such surrender, he shall be enlarged on bail on

his executing personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties each for a like sum each, to the satisfaction of the learned Magistrate.

ii) The petitioner/Accused shall appear before the concerned Station House Officer on every fortnight, that too on Monday between 10.00 AM and 05.00 PM till the date of filing of charge sheet.

iii) The petitioner/Accused shall abide by the other conditions stipulated in Section 438(3) Cr.P.C.

7. As a sequel thereto, miscellaneous applications, if any pending, shall stand closed.

G. ANUPAMA CHAKRAVARTHY, J

11.05.2023
AQS/DSV.