

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.5149 OF 2023****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973, seeking bail to the petitioner who is arrayed as accused No.3 in the event of his arrest in Crime No.97 of 2023 pending on the file of Station House Officer, Central Crime Station (DD), Hyderabad, filed for the offences punishable under Sections 406 and 420 of Indian Penal Code and Section 5 of the Telangana State Protection of Depositors of Financial Establishments Act.

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

3. The case of the *de facto* complainant is that he had started investing in non-banking financial institutions on the basis of advice of this petitioner since 2017. The allegations in the present complaint are that due to investing amounts in some of the companies as advised by the petitioner, the *de facto* complainant incurred loss to an extent of Rs.15,00,000/-.

4. It is not in dispute that against the investments made, substantial amounts were received by the *de facto* complainant over a period of time. *Prima facie*, giving advice would not attract an offence punishable under Section 5 of the Telangana Protection of Depositors of Financial Establishments Act.

5. As seen from the complaint, the investments were voluntary in nature, for which reason, the petitioner can be granted the relief of anticipatory bail and he shall be enlarged on bail in the event of his arrest subject to the following conditions:

i) The petitioner – accused No.3 is directed to surrender before the Station House Officer, Central Crime Station (DD), Hyderabad, on 28.06.2023, and on such surrender, he shall be enlarged on bail on his executing personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with two sureties to the like sum each, to its satisfaction.

ii) The petitioner - accused No.3 shall appear before the concerned Station House Officer on every Sunday between 10.30 AM and 01.00 PM for a period of six (6) weeks and shall appear before the investigating authorities as and when required for the purpose of investigation.

iii) The petitioner - accused No.6 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

6. Accordingly, the criminal petition is allowed.

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

K.SURENDER, J

Date: 21.06.2023
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