

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 8200 of 2023

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. by the petitioner/A1 seeking anticipatory bail in the event of his arrest in connection with Crime No.587 of 2023 on the file of Uppal Police Station, Rachakonda Commissionerate, registered for the offence punishable under Section 306 read with 34 of Indian Penal Code.

2. Heard learned counsel for the petitioner/A1, learned Assistant Public Prosecutor for the respondent-State and perused the record.

3. On the basis of the complaint of the *de facto* complainant, who is the brother of the deceased, the said crime was registered against the petitioner for the offence under Section 306 of IPC. It is alleged in the complaint that the deceased, who is the elder brother of the *de facto* complainant, was running Hero Honda show room at Jagtial. A scheme was started five years ago. Members have to be joined and amounts have to be collected from the members. In order to assist the running of the said scheme, the petitioner was appointed as an employee by the deceased. The petitioner collected the amounts and failed to remit the same to the company's account. It is alleged that having gone through the accounts, there was an outstanding amount of nearly Rs.40.00 lakhs, which has to be paid to the customers. For the said reason, the

deceased obtained loan and paid to the petitioner. When the petitioner was called to attend a panchayat regarding the misappropriation done, he failed to do so. Unable to bear the burden of loss, the deceased committed suicide.

4. Learned counsel appearing for the petitioner would submit that the petitioner was an employee in the deceased company. However, false allegations are made against the petitioner after the deceased committed suicide. He has nothing to do with the misappropriation of amounts of the company.

5. As seen from the complaint, the petitioner, as an employee, collected certain amounts. It cannot be *prima facie* said that cheating, if any, committed by the petitioner will amount to instigating the deceased to commit suicide. Since, *prima facie*, the ingredients of Section 306 of IPC are lacking, the petitioner/A1 can be granted the relief of anticipatory bail, subject to the following conditions:

- 1) The petitioner/A1 is directed to surrender before the Station House Officer, Uppal Police Station, Rachakonda Commissionerate, within a period of ten days from the date of this order. On such surrender, the said Station House Officer shall release the petitioner/A1 on bail, on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to his satisfaction.

- 2) On such release, the petitioner/A1 shall appear before the concerned Station House Officer, on every Monday and Wednesday, for a period of eight(8) weeks between 10.00 A.M and 1.00 P.M. and thereafter, as and when required for the purpose of investigation.
 - 3) The petitioner/A1 shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.
6. Accordingly, the Criminal Petition is allowed.

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

Date : 04.09.2023
ssp

K.SURENDER, J