

THE HONOURABLE Dr.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2719 of 2024

ORDER:

This Criminal Petition is filed by the petitioners – Accused Nos.5 and 6 under Section 438 of Code of Criminal Procedure to enlarge them on anticipatory bail in the event of their arrest in connection with Crime No.43 of 2024 of Adilabad II-Town Police Station, Adilabad District, registered for the offences under Sections 409, 417, 418 and 420 read with 34 IPC.

2. The case of the prosecution in brief was that the de-facto complainant lodged a report stating that the accused persons formed themselves as R.K. Rural Development Co-operative Society and offered personal loans to the villagers of Chandu Nayak Thanda. The society members made the villagers to believe that they were giving personal loans, but without giving the personal loans, they had taken vehicles on finance from the show room without paying money to show room and cheated the de facto complainant and other villagers. Basing on the said report, the above Crime was registered. A1 to A4 were arrested on 03.02.2024.

3. Heard the learned counsel for the petitioners and the learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners submitted that the names of the petitioners were not mentioned in the complaint. The complaint was silent with regard to the involvement of the petitioners in the said crime. No specific overt acts were attributed to the petitioners. Basing on the confession of A1 only, the names of the petitioners were implicated and prayed to enlarge the petitioners on anticipatory bail.

5. Learned Assistant Public Prosecutor submitted that as per the investigation conducted by the police, the petitioners along with other accused persons induced the villagers by offering personal loans and after collecting amounts from them, made them to believe that the society would give vehicles to them, but failed to give personal loans and had also taken the vehicles on finance from the show room without paying the money and cheated the villagers.

6. Perused the record. Considering that the names of the petitioners were not stated by the de facto complainant in his report and except in the confession of A1, their role or involvement was not stated by the Investigating Officer in the remand report of A1 to A4 also, except stating that the petitioners also accompanied A1 to A4 when they induced

the villagers to pay the amounts to the society, it is considered fit to grant anticipatory bail to the petitioners on certain conditions.

7. In the result, the Criminal Petition is allowed and the petitioners – A5 and A6 are granted anticipatory bail subject to the following conditions:

(i) The petitioners – A5 and A6 are directed to surrender before the Station House Officer, Adilabad II-Town Police Station, Adilabad District, within a period of (15) days from the date of this order, and on such surrender, the said Station House Officer shall release the petitioners on bail on their executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties for a like sum each to the satisfaction of the said Station House Officer.

(ii) The petitioners – A5 and A6 shall comply with the conditions stipulated under Section 438(2) of Cr.P.C.

As a sequel, miscellaneous applications pending in this petition, if any shall stand closed.

Dr. G. RADHA RANI, J

March 13, 2024

KTU