THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2742 of 2024

O R D E R:

This Criminal Petition is filed by the petitioner – A3 under Section 438 of Code of Criminal Procedure for grant of anticipatory bail in the event of her arrest in Crime No.79 of 2024 on the file of PS CCS, DD, Hyderabad, registered for the offences under Sections 406, 420 read with 120-B of IPC and Section 5 of the Telangana Protection of Depositors of Financial Establishments Act, 1999.

2. The case of the prosecution in brief was that on 02.03.2024, the de-facto complainant lodged a report stating that she got acquainted with A1, who was running YouTube Channel and was uploading his speeches since 2021. She was impressed by his speeches and subsequently attended real estate classes conducted by A1 by paying Rs.50,000/-. A1's wife Smt.Molla Swarnalatha (A3- petitioner herein) and his son Molla Jaswanth (A4) were the Directors of Jyoshika Investors Club. They used to collect fees from the participants and deposits from the investors. During the classes, A1 mentioned that the bank authorities were planning to conduct auction of properties located at Mokila and expressed his intention to participate in the auction and acquire the land as he was anticipating a four-fold profit on the outstanding amount within a year. A1

explained his investment plan, saying that he would contribute 50% of the required funds with the rest coming from co-investors. He assured that if any co-investors wanted to sell their shares, he would buy them. The complainant believing him, expressed her interest. He informed her that with an investment of Rs.30,00,000/-, she could acquire 400 square yards of land and promised registration within a month. Believing him, the de-facto complainant invested an amount of Rs.84,00,000/- out of the sale proceeds obtained by her from selling her plot in Neknampur Village for Rs.90,00,000/- to purchase 1200 square yards of land. Further, A1 issued a cheque bearing No.026383 dated 23.12.2021 of M/s.South Indian Bank Limited for Rs.84,00,000/- to the complainant as surety. Despite promise of land registration within two months, A1 failed to deliver. It was later revealed that he had not purchased any land in Mokila and when questioned about her investment, he evaded answers. Despite continuous pursuit, A1 provided no concrete responses regarding his business improvement or repayment of Rs.84,00,000/-. She also further submitted that approximately 40 innocent individuals were duped by A1, who collected Rs.1,00,000/- from each under the pretext of real estate classes. A1 dishonestly induced the complainant into real estate investment with false promises of four times profits in one year, collected substantial deposits totaling Rs.7,37,00,000/- and caused wrongful losses to the complainant and others.

3. Basing on the report, the above crime was registered.

4. Heard Sri Pratap Reddy, the learned Senior Counsel representing the learned counsel for the petitioner – A3 on record and the learned Assistant Public Prosecutor for the respondent – State.

4. Learned Senior Counsel for the petitioner submitted that the petitioner herein was a household lady. She was the wife of A1. She was alleged to be the Director of Jyoshika Investors Club. The entire complaint would show that the de-facto complainant paid the amounts to A1. None of the ingredients of the offence would attract against the petitioner and also relied upon the judgment of the Hon'ble Apex Court in **Sham Sunder and Others v. State of Haryana**[1] wherein it was stated that some of the partners of a firm may not even know of what was going on day to day in the firm. There may be partners, better known as sleeping partners, who were not required to take part in the business of the firm. There might be ladies and minors who were admitted for the benefit of partnership. He further submitted that amounts were transferred to the account of A1, which was a proprietary concern but not a partnership firm and prayed to enlarge the petitioner on anticipatory bail.

5. Learned Assistant Public Prosecutor reported that no specific allegations were made against the petitioner by the de-facto complainant.

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[1] (1989) 4 SCC 630

6. Considering the submissions of the learned Senior Counsel for the petitioner and the learned Assistant Public Prosecutor, as the entire allegations made by the de-facto complainant were against A1 and it was only stated that the petitioner - A3 was the wife of A1 and as it was not alleged in the complaint that the petitioner had induced any person to part with the money or any amounts were paid to her, it is considered fit to grant anticipatory bail to petitioner - A3 on certain conditions.

7. In the result, the Criminal Petition is allowed and the petitioner - A3 is granted anticipatory bail subject to the following conditions:

> (i) The petitioner – A3 is directed to surrender before the Station House Officer of PS CCS, DD, Hyderabad within a period of (15) days from the date of this order, and on such surrender, the SHO of PS CCS, DD, Hyderabad shall release the petitioner – A3 on bail on her executing a personal bond for Rs.50,000/- (Rupees Fifty Thousand Only) with two sureties for a like sum each to the satisfaction of the said Station House Officer.
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> (ii) The petitioner – A3 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

Date: 13th March, 2024
Nsk.