

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3157 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”), to release him on regular bail in Crime No.392 of 2023 on the file of Vemulawada Police Station, registered for the offences punishable under Section 420 of Indian Penal Code, 1860 (for short, ‘IPC’) and under Section 24 of Emigration Act.

2. The case of the prosecution in brief was that on 28.08.2023 at 19:00 hrs, the *de facto* complainant lodged a report before the police stating that the petitioner/accused by saying deceitful words and promising to sent the son of the complainant to the country of Ukrain took an amount of Rs.2,75,000/- and Indian Passport from the son of the complainant, but failed to send the complainant’s son to Ukrain nor returned the money.

3. Basing on the said report, the above crime was registered against the petitioner/accused for the offences punishable under Section 420 of IPC and Section 24 of Emigration Act, and a notice

under Section 41-A of Cr.P.C was issued to the petitioner/accused. Subsequently stating that the petitioner had not complied with the notice, he was arrested on 28.02.2024.

4. Heard the learned counsel for the petitioner-Accused and the learned Additional Public Prosecutor for the respondent-State.

5. Learned counsel for the petitioner/accused submitted that the petitioner himself was a victim. He along with one Yenugula Satish were working with a consultancy by name Pramod Fand Consultancy situated at Pune. He and his friend Yenugula Satish mobilized their contacts and collected documents, passports and charges from the candidates and remitted a sum of Rs.78,21,000/- to the consultancy in Pune. Yenugula Satish lodged an F.I.R.No.1158 of 2021 on 14.12.2021 against the partners of the said consultancy for the offences punishable under Sections 420, 403, 506, 120-B of IPC before the P.S.KPHB Colony. The police after investigation, filed charge-sheet and the same was numbered as C.C.No.3 of 2024 pending before the XV Metropolitan Magistrate, Kukatpally. The petitioner himself was a victim. He was innocent and never cheated the complainant and prayed to enlarge the petitioner on bail.

6. Learned Additional Public Prosecutor opposed grant of bail to the petitioner/accused stating that the present case had no connection with the case in crime No.1158 of 2021. It was a different case. Two other complaints were lodged against the petitioner/accused and prayed to dismiss the bail application of the petitioner.

7. Perused the record.

8. Considering the contents of the charge-sheet filed by the KPHB Police in F.I.R.No.1158 of 2021 wherein, the name of the petitioner was shown as LW.2 witness/victim and it was also stated in the said charge-sheet that the complainant therein by name Yenugula Satish along with Chandrashekhhar (the present petitioner herein) paid a total amount of Rs.78,21,000/- to the accused through PhonePe since April, 2021 and the said matter was investigated by the police and also filed charge-sheet and they have also seized several passports of the victims and the bank account statements in proof of the alleged transactions from the accounts of the petitioner and the complainant to the account of the accused No.1 therein and the name of the petitioner was shown as victim in the said case, it is considered fit to enlarge the petitioner/accused on bail in this case.

9. Accordingly, the Criminal Petition is allowed directing the petitioner/accused to be released on regular bail subject to the following conditions:

- i) The petitioner/Accused shall execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties for a like sum each to the satisfaction of the learned Junior Civil Judge cum Judicial Magistrate of First Class, at Vemulawada.
- ii) The petitioner/Accused shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date:21.03.2024
dgr

Dr. G.RADHA RANI, J