

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2927 of 2024

ORDER:

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.4 of 2024 on the file of PS Central Crime Station, Hyderabad, registered for the offences punishable under Sections 406, 420, read with Section 34 of IPC and Section 5 of Telangana Protection of Depositors of Financial Establishments Act, 1999.

2. The case of the prosecution in brief was that on 03.01.2024 at 20:30 hours, the de-facto complainant lodged a report against the fraudulent activities related to a pre-launch by Bhuvanteza Management (A1), its marketing agents and directors Chekka Venkata Subrahmanyam (A2), Bhagya Lakshmi Chekka(A3) and Jerripothula Bhushana Rao (A4) stating that he along with his wife had invested amounts for a middle class dream home in the project launched by the accused persons, but later discovered that no progress was seen in the project and when enquired, there was no proper response from the management of Bhuvanteza Infraprojects Private Limited. They were deceiving customers and planning an escape. The Directors of Bhuvanteza Infraprojects Private Limited colluded and collected substantial amounts from

the customers/depositors under the guise of pre-launch real estate, promising to issue property in their project and subsequently cheated him and nine other victims to a tune of Rs.2,29,72,000/-. Basing on the said report, the above crime was registered.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent – State.

4. Learned counsel for the petitioner submitted that the petitioner was arrayed as A3. She was one of the Directors of the company. Except showing her as Director, no other allegations were made against her. She was a woman of middle age and was having three children. Her husband was shown as A2, who had launched the project by purchasing the land from his vendor. They had planned to go further with the construction and completion of project as promised to their customers. But, unfortunately a civil suit was filed by a third party against the vendor from whom the petitioners purchased the property. A2 was shown as defendant No.88 in O.S.No.198 of 2022 on the file of the II Additional District Judge, Medchal. A2 had already obtained permission from HMDA. But on 20.10.2023, he received a letter from the Planning Authority of HMDA to stop construction in view of the orders in O.S.No.198 of 2022, as such, he was unable to proceed with the planned construction work.

4.1. The learned counsel for the petitioner further submitted that the accused persons had no intention to cheat the customers. A2 had even registered the plots in the names of the customers including the complainant. The stoppage of the work was due to the circumstances beyond their control and prayed to grant anticipatory bail to the petitioner herein.

5. Learned Additional Public Prosecutor opposed grant of bail to the petitioner stating that the number of victims were raising and the amount cheated was also raised to Rs.80.00 Crores. The victims had invested not only in this project but also in four other projects launched by the accused persons.

5.1. Learned Additional Public Prosecutor further submitted that without obtaining RERA permission, the accused persons had launched the project and had taken amounts from all the victims, which *prima facie* would attract the offences under Sections 420 of IPC and Section 5 of Telangana Protection of Depositors of Financial Establishments Act, 1999 and as such, A2 was not entitled for anticipatory bail.

6. Perused the record.

7. Considering the submissions of the learned counsel for the petitioner and considering that a civil case vide O.S.No.198 of 2022 was filed by a third party, which was not foreseen by the accused persons and a letter was also received from the Planning Authority of HMDA to stop the construction and as the

accused persons were made to stop the work due to the circumstances beyond their control and as no allegations were made against the petitioner except showing her as one of the Directors of the said company, it is considered fit to grant anticipatory bail to the petitioner on certain conditions.

8. Accordingly, the Criminal Petition is allowed and the petitioner-A3 shall be released on anticipatory bail subject to the following conditions:

- 1) The petitioner-A3 is directed to surrender before the Station House Officer, PS Central Crime Station, Hyderabad within a period of 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioner on bail on her executing 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 said Station House Officer.
- 2) The petitioner-A3 shall abide by 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: 15th March, 2024

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