

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3220 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused under Section 438 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”), to release him on anticipatory bail in Crime No.155 of 2024 of Banjara Hills Police Station, Hyderabad, registered for the offences punishable under Section 406 and 420 of Indian Penal Code, 1860 (for short, ‘IPC’) and Section 5 of Telangana Protection of Depositor’s of Financial Establishment Act-1999 (for short, ‘TSPDFE Act’)

2. The case of the prosecution in brief was that on 07.02.2024 at 19:00 hours, the *de facto* complainant lodged a report before the police stating that he along with his wife and son paid an amount of Rs.10,25,000/- to the petitioner/accused who was running a chit fund business by paying amounts in different chits run by him. His friend/G.Venkat Reddy also paid an amount of Rs.9,50,000/- from February, 2018 onwards, being

a subscriber in various chits. But subsequently, the petitioner/accused had cheated them and was not responding to them and had not returned the amounts due to them. Basing on the said report, the above crime was registered.

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

4. Learned counsel for the petitioner/accused submitted that there was a delay of 05 years in lodging the complaint. As per the *de facto* complainant, he and his family members deposited the amounts in various chits since February, 2018 and the chit was stated to be for a period of 19 months, but even after completion of the chit period he waited and not lodged the complaint till February, 2024. He further submitted that, the petitioner was not doing any chit business, he was involved in real estate business, he was also a social worker and a political leader, the offence under Section 5 of TSPDFE Act was not applicable, the same was incorporated only to avoid issuance of

notice under 41-A Cr.P.C. and prayed to enlarge the petitioner/accused on anticipatory bail.

5. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner stating that the petitioner was conducting chit fund business which was unregistered and cheated the victims to a tune of Rs.19,75,000/-, as such, he was not entitled for grant of anticipatory bail.

6. Perused the record.

7. Considering that the offences under Sections 406 and 420 of IPC are punishable with imprisonment extending only up to 07 years and the petitioner was entitled to be issued notice under Section 41-A of Cr.P.C. and as the provisions of TSPDFE Act would not *prima facie* appear to attract, as the *de facto* complainant stated to have paid amounts towards chits but not in the manner of any deposits and the victims were only stated to be two in number, it is considered fit to enlarge the petitioner/accused on anticipatory bail.

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

- i) The petitioner-Accused is directed to surrender before the Station House Officer, Banjara Hills Police 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 his 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.
- ii) The petitioner/Accused shall abide by the conditions stipulated in Section 438(2) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Dr. G.RADHA RANI, J

Date:04.04.2024
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