

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3676 OF 2024

ORDER:

This Criminal Petition is filed under Section 438 of Code of Criminal Procedure, 1973 (for short “Cr.P.C.”) seeking anticipatory bail to the petitioner-Accused No.8 in Crime No.82 of 2024 on the file of Mokila Police Station, Cyberabad Commissionerate, registered for the offences punishable under Sections 306, 384, 385, 406 and 420 read with 34 of IPC, Section 5 of TSPDFE Act, Sections 3, 10 and 13 of Money Laundering Act and Section 3(2)(v) of SCs and STs (POA) Act, 2016.

2. The case of the prosecution in brief was that on 04.03.2024 at 11:30 hours, the *de-facto* complainant i.e., the wife of the deceased lodged a report stating that her husband got acquainted with one Thirupathi Rao (A1), who introduced GSN money circulation scheme to her husband Ravi, her husband used to collect money from his villagers, neighbouring villagers and also from known persons as deposits and used to send the same to Thirupathi Rao and distribute the money received from him to the members who joined in the scheme. While the business was running well, her husband purchased land to an extent of Ac.0-39 gts. at Tangatoor Village and started construction of a function hall in the name of SMU. For the past three months, Thirupathi Rao stopped sending money to her husband, as such, her husband could not repay the returns to the members

of the scheme. The members started asking for return of their money. On that issue, some of the journalists demanded money from her husband by threatening him. As per their demand, her husband agreed to pay Rs.10 lakhs to them and accordingly, paid Rs.2,50,000/- to them by pledging her gold ornaments. Further, a depositor by name, Nagaraj and his wife harassed her husband for return of their deposited money, for which, the deceased kept the land documents with money lenders and gave Rs.18 lakhs to Nagaraj. Due to heavy pressure from the depositors, irresponsiveness of Thirupathi Rao and harassment from journalists and others, her husband Ravi vexed with his life, murdered his three sons by hanging with rope at his house and also committed suicide by hanging at the newly constructed function hall at Tangatoor. Basing on the said report, the above crime was registered and A5 to A7 were arrested on 13.03.2024.

3. Heard the learned counsel for the petitioner-A8 and the learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner-A8 submitted that the petitioner was a daily labour, she used to work under the deceased/Ravi who used to work as a Supervisor in Agricultural Office. She was one of the victims in the hands of Ravi. On the inducement of the deceased she introduced her husband/A7 to the deceased. The deceased/Ravi made her to invest huge amounts in the said scheme and encouraged her and her husband to

introduce his friends and neighbours to join and invest in the GSN Foundation. Believing him, her husband introduced many of his kith and kin to join in the said scheme. The deceased/Ravi was due almost Rs.2 crores to the investors. Except making some bald allegations that they took Rs.18,00,000/- by keeping the two plots of the deceased and that the husband of the petitioner bought some plots in the name of the petitioner in Ravulapalli nothing was stated against the petitioner. Her husband was arrested. As per the statement given by L.W8 on 13.03.2024, the deceased kept those two plots with him for security purpose and issued two cheques for Rs.18,00,000/-. L.W.8 joined as a member of the said scheme on 17.02.2024 and as per his membership card, his payments/returns were due on 20.03.2024 (1st payment), 22.04.2024 (2nd payment) and 22.05.2024 (3rd payment). The deceased signed on the membership card. As it was one of the big investments in the GSN Company, the deceased had given his two plot documents including cheques as security to him but not mortgaged. There was no *prima facie* evidence to prove that the deceased had given Rs.18,00,000/- to A8 who was a daily labour working under the deceased/Ravi. The petitioner was in a very pitiful situation as on one side she lost huge invested amount and on the other side she was facing the allegation of abetment of the death of the deceased and prayed to enlarge the petitioner on anticipatory bail.

5. Learned Additional Public Prosecutor opposed grant of bail to the petitioner. He submitted that due to the pressure exercised by the petitioner and her husband the deceased mortgaged his two plot documents to L.W.8 for Rs.18,00,000/- and gave money to A7/Aluri Nagaraju @ Nagaraju (the husband of the petitioner herein). As the depositors and press reporters harassed and threatened the deceased and kept him under fear to give money unable to bear their harassment the deceased committed suicide after murdering his three sons. The petitioner was also responsible for the death of the deceased and she was not entitled to be released on anticipatory bail.

6. Perused the record.

7. Considering that the complaint would not disclose that the petitioner had abetted or instigated or induced the deceased to commit suicide to attract the offence punishable under Section 306 of IPC and the offences under Sections 406 and 420 read with 34 of IPC, Section 5 of TSPDFE Act, Sections 3, 10 and 13 of Money Laundering Act and Section 3(2)(v) of SCs and STs (POA) Act, 2016 are not applicable to the petitioner herein and the as the offences that were applicable to the petitioner under Section 384 and 385 of IPC were punishable with three years and two years imprisonment respectively, it is considered fit to enlarge the petitioner-A8 on anticipatory bail on certain conditions.

8. Accordingly, the Criminal Petition is allowed and the petitioner - accused No.8 shall be released on anticipatory bail subject to the following conditions:

- 1) The petitioner-Accused No.8 is directed to surrender before the Station House Officer, Mokila Police Station, Cyberabad Commissionerate, 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer.
- 2) The petitioner-Accused No.8 shall abide by the conditions stipulated under Section 438(2) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Dated: April 04, 2024
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Dr. G.RADHA RANI, J

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3676 OF 2024

Dated:04.04.2024

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