THE HONOURABLE Dr.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.3778 of 2024

ORDER:

This Criminal Petition is filed by the petitioner – A2 under Section 438 of Code of Criminal Procedure for grant of anticipatory bail in the event of his arrest in connection with Crime No.79 of 2024 of PS CCS, DD, Hyderabad, registered for the offences under Sections 406, 420 read with Section 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) 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 *de-facto* 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 learned counsel for the petitioner – A2 and the learned Assistant Public Prosecutor for the respondent – State.

5. Learned counsel for the petitioner submitted that on a bare reading of the allegations in the complaint, no case was made out against the petitioner – A2 for the offences punishable under Sections 406, 420 I.P.C. as alleged except the allegation that on instructions of A-1, the *de-facto* complainant had given Rs.30,00,000/- to his Advocate G.Srinivas. Even as per that allegation also there was nothing to attract the offences under Sections 406, 420 I.P.C. The complaint would not make out any allegations against the petitioner for the offence under Section 5 of the Telangana Protection of Depositors of Financial Establishments Act, 1999, as the petitioner did not collect any deposit or money from the *de-facto* complainant and further submitted that A-3 was also granted anticipatory

bail by this Court vide Criminal Petition No.2742 of 2024, dated 13.03.2024. He further submitted that the petitioner was a legal adviser of A-1, except that there was no role alleged by the *de-facto* complainant against the petitioner in her complaint and prayed to enlarge the petitioner on anticipatory bail.

6. Learned Assistant Public Prosecutor opposed grant of anticipatory bail to the petitioner stating that as per the complaint, the *de-facto* complainant paid an amount of Rs.30,00,000/- to the petitioner herein, as such, the petitioner was shown as A-2.

7. Perused the record. Considering that as the entire allegations made by the *de-facto* complainant were against A-1 and it was only stated that the *de-facto* complainant paid an amount of Rs.30,00,000/- to the petitioner herein on the instructions of A-1 and there were no allegations made against the petitioner herein that he had induced the *de-facto* complainant or any other person to part with the money or that he received any amounts towards deposits and the offences under Sections 406, 420 I.P.C. and Section 5 of the Telangana Protection of Depositors of Financial Establishments Act, 1999, are *prima facie* not applicable to the petitioner

herein, it is considered a fit case to enlarge the petitioner – A2 on anticipatory bail on certain conditions.

8. In the result, the Criminal Petition is allowed and the petitioner – A2 is granted anticipatory bail subject to the following conditions:

(i) The petitioner – A2 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 – A2 on bail on his 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.

(ii) The petitioner – A2 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

April 8, 2024

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