THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3993 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused No.4 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.79 of 2024 on the file of CCS, DD Police Station, Hyderabad registered for the offences under Sections 406, 420 read with 120B of Indian Penal Code (for short ‘IPC’) and Section 5 of the Telangana Protection of Depositors of Financial Establishments Act, 1999 (for short ‘TSPDFE Act’).

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-petitioner herein) 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 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 Sri C. Pratap Reddy, learned Senior Counsel representing the learned counsel for the petitioner – A4 on record and the learned Additional Public Prosecutor for the respondent – State.

5. Learned Senior Counsel for the petitioner submitted that the petitioner had completed his B-Tech Graduation from Chennai and subsequently, joined a multinational Company in Hyderabd and worked as a software professional for a period of two (02) years. Subsequently, he resigned and started his own real estate business. He was never in the business of his father, who was A1 in the present case. The petitioners father was handling 3 or 4 Private Limited and Proprietorship Companies which would deal with real estate. In some

of the Companies the petitioner was named as one of the directors along with his mother. As seen from the entire complaint the complainant herself approached A1 in his office for investing some amounts to purchase an immovable property and subsequently transferred some amounts to the bank account number maintained in the name of Jyoshika Investors Club. The police have mentioned in the PT warrant that the petitioner was one of the directors of Jyoshika Investors Club and shown the petitioner as an accused and arrested him in the present case. The said account number did not belong to Jyoshika Investors Club. The petitioner was never involved in the business pertaining to A1. The *de-facto* complainant paid the entire amounts to A1. The petitioner never interacted or met the complainant at any point of time. The entire Company operations were taken care of by A1. Merely by being a director, the petitioner could not be made liable when the entire business and bank transactions were managed by A1 and prayed to enlarge the petitioner on bail.

6. Learned Additional Public Prosecutor opposed grant of bail to the petitioner stating that his name was also stated by the *de-facto* complainant in the F.I.R. He was also one of the directors of

the Company in which the *de-facto* complainant invested the amount. The petitioner was none other than the son of the main accused No.1 and prayed to dismiss the bail application of the petitioner.

7. Perused the record. Considering the contents of the complaint wherein the entire allegations made by the *de-facto* complainant were against A1 and it was only stated that the petitioner-A4 was one of the directors of the Company but there were no specific allegations against him that he induced the *de-facto* complainant or any other person to part with the money, it is considered fit to enlarge the petitioner-accused No.4 on bail.

8. Accordingly, the Criminal Petition is allowed and the petitioner – accused No.4 shall be released on regular bail subject to the following conditions:

i) The petitioner – accused No.4 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 Metropolitan Sessions Judge, Hyderabad.

ii) The petitioner – accused No.4 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Dr. G.RADHA RANI, J

Date:19.04.2024
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THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3993 OF 2024

Dated:19.04.2024

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