

THE HONOURABLE Dr.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.4180 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-A5 in Crime No.33 of 2024 on the file of Karepalli Police Station, Khammam District, registered for the offences under Sections 419, 420, 465, 468, 471 read with 34 of Indian Penal Code (for short ‘IPC’).

2. The case of the prosecution in brief was that on 27.02.2024 at 18:45 hours, the *de-facto* complainant lodged a report before the police stating that A1 was his brother-in-law and he along with his wife-A2 made him and his two daughters to believe that they would provide government jobs and asked them for money. On 16.03.2022 at 04:23 P.M, he transferred an amount of Rs.36,000/- via phonepe from his number to the mobile number of Prem Kumar-A1. Thereafter, in installments they paid to the account number of one Padithya Bhadrudu to a tune of Rs.80,00,000/-. Thereafter, on 10.04.2022 they gave him an appointment order but whenever he asked him about joining into the duty, they used to say that it was pending online and postponed the matter. When he enquired about pending status, he got to know that the appointment orders were fake. When he approached him and asked him why he betrayed and cheated them

in the name of government job, he threatened them. He also cheated their relatives Gugloth Ramesh to a tune of Rs.52,00,000/-, Banoth Raghu to a tune of Rs.30,00,000/- and Ajmeera Divya to a tune of Rs.25,00,000/- and neither provided jobs nor repaid the money. Basing on the said report, the above crime was registered.

3. Heard the learned counsel for the petitioner-A5 and the learned Additional Public Prosecutor for the respondent – State.

4. Learned counsel for the petitioner submitted that the name of the petitioner was no where mentioned in the complaint by the *de-facto* complainant. The name of the petitioner was implicated basing on the confession of A1 and A2, wherein A1 and A2 stated that out of the money received by them, they paid an amount of Rs.15,00,000/- to their relative Gugloth Devi (the present petitioner herein) on interest.

4.1. Learned counsel for the petitioner further submitted that the petitioner was a widow, she obtained government job on compassionate appointment. The petitioner out of the amount acquired as savings and from the death benefits of her late husband purchased a house in the year 2016. Thereafter, in the year 2019, the petitioner sold the house property with the help of A1, who was one of the witness therein for Rs.32,00,000/-. The proceeds of the sale consideration along with the savings of

Rs.50,00,000/- were borrowed by the A1 for his contract works on 10.02.2022 and an agreement was duly entered between the petitioner and A1. The A1 also gave blank cheques as collateral to the petitioner and agreed to repay the amount of Rs.50,00,000/- along with interest at the rate of 2% for every Rs.100/-(i.e., 24% per annum). The petitioner had nothing to do with the present crime. The petitioner herself was a victim in the hands of A1 as he had duped her of her hard earned money and prayed to enlarge the petitioner on anticipatory bail.

5. Learned Additional Public Prosecutor opposed grant of bail to the petitioner stating that the petitioner was shown as A5 basing upon the confession of A1 and A2 as he had transferred some of the amount taken from the *de-facto* complainant and other victims to her on interest and prayed to dismiss the bail application of the petitioner.

6. Perused the record. Considering that the petitioner was a woman and her name was no where mentioned by the *de-facto* complainant and she had no role in the present crime, it is considered fit to enlarge the petitioner on anticipatory bail on certain conditions.

7. Accordingly, the Criminal Petition is allowed and the petitioner-A5 shall be released on anticipatory bail subject to the following conditions:

- 1) The petitioner-A5 is directed to surrender before the Station House Officer, Karepalli Police Station, Khammam District within a period of 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioner-A5 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-A5 shall abide by the conditions stipulated under Section 438(2) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Dated: 24.04.2024
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Dr. G.RADHA RANI, J

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.4180 OF 2024
Dated:24.04.2024

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