

THE HON'BLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION NO.14948 OF 2024

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in connection with Crime No.427 of 2024 of Sanga Reddy Police Station, Sanga Reddy District. The offences alleged against the petitioner are for the offences punishable under Sections 318 (4) and 316 (5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. The allegation against the petitioner are that one Bhanoori Nithin Goud, Zonal Manager of Kapil Chits, Hyderabad Pvt. Ltd., lodged a complaint stating that several collection managers and Assistant General Managers (AGMs) collected large amounts of money from customers, generated receipts, and handed over them to AGM P. Maheshwar, petitioner herein. However, petitioner failed to hand over the total amount of Rs.10,18,998/- to the accounts officer, Kishan Shetty, as per company norms. Furthermore, Maheshwar generated 44 receipts for Rs.43,37,995/- from his personal TRIM which is allotted by the company and did not hand over the amount to

the accounts officer. When the accounts department in-charge tried to contact Maheshwar, his mobile numbers were switched off. Hence, the complainant requested necessary action against the petitioner.

3. Heard Sri Rakesh Jangam, learned counsel for the petitioner and learned Additional Public Prosecutor appearing for the respondent.

4. The contention of learned counsel for the petitioner is that petitioner is falsely implicated in this case. All the amount which is handed over to the petitioner is deposited in the account of chit fund. In fact initially petitioner gave complaint to the police that he has been falsely harassing by some of the higher officials of the chit fund company, but for reasons, FIR was not registered against them and it was registered against the petitioner. The offences alleged against the petitioner are cheating and breach of trust, where the punishment prescribed is upto seven years. Hence, prayed this Court to grant bail to the petitioner.

5. On the other hand, the learned Additional Public Prosecutor would submit that the allegations against the petitioner are severe in nature, huge amount is misappropriated by him and it has to be recovered from him. As such prayed to dismiss this bail petition.

6. Having regard to the submissions made and the material placed on record, petitioner herein is the Manager of Kapil Chit Fund Company. One of the offences alleged against the petitioner is under Section 316 (5) of BNS, which is criminal breach of trust committed by a public servant. The petitioner herein is not a public servant. Therefore, the said offence is not attracted to him. The other offence alleged against him is Section 318 (4) of BNS which pertains to cheating by misappropriating funds. It has to be investigated into basing on the documents and custodial interrogation initially is not necessary. As such this Court deems it appropriate to grant the relief of anticipatory bail to the petitioner, subject to following conditions:-

- i. The petitioner/accused is directed to surrender before the Station House Officer, Sanga Reddy Police Station, within two weeks from today, and on such surrender, the said Station House

Officer shall release the petitioner/accused on pre-arrest bail on 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 his satisfaction.

- ii. The petitioner shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) weeks, for the purpose of investigation till filing of charge sheet, and thereafter, as and when required.
- iii. The petitioner/accused shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and shall co-operate with the Investigating Officer in investigating the case.

7. Accordingly, the criminal petition is allowed.

Miscellaneous petitions, pending, if any, shall stand closed.

K. SUJANA, J

Date :18.12.2024
Rds

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