

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.15130 of 2024

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner, who is arrayed as accused in Crime No.147 of 2024 of Kukatpally Police Station, Cyberabad Commissionerate.

2. The brief facts of the case are that on 05.02.2024, the de facto complainant lodged a complaint against the petitioner before the Police stating that she learned about Visilena Technology's office in Baghya Nagar through a friend and invested in the company after being assured of profits by its MD, Penugonda Naga Venkata Udaya Ramesh. However, Ramesh took loans in her name, as well as in the names of her friends and office employees Priyanka, Renuka, and Priya. When bank employees called to request payment of loan EMIs, Ramesh allegedly used abusive language, made inappropriate demands, and threatened to harm the complainants, claiming he had their photos.

3. Heard Sri S. Ganesh, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing on behalf of the respondent – State.

4. Learned counsel for the petitioner submitted that the allegations in the FIR/complaint, even if taken at face value, do not constitute any offence or make out a case against the petitioner and that the allegations are absurd, inherently improbable, and manifestly attended with ulterior motives, borne out of personal grudge. He further submitted that the petitioner vehemently denies the accusations, which are false and frivolous and that the complaint lacks specific details, including the date of the incident, and is bereft of any credible allegations. He contended that the petitioner had already paid salaries to employees without default, and there is no evidence to support the allegations and that the ingredients of Section 354-A of IPC are not attracted. The petitioner is law-abiding citizens from respectable families, with no antecedents, and is ready to furnish sureties and abide by any conditions imposed by the Court. Therefore, he prayed the Court to grant pre-arrest bail to the petitioner by allowing this Criminal Petition.

5. On the other hand, learned Additional Public Prosecutor opposed the bail petition stating that the allegations leveled against the petitioner are serious in nature. Further, the investigation is not yet completed, granting of bail to the petitioner does not arise. Therefore, he prayed the Court to dismiss the criminal petition.

6. Upon consideration of the submissions made by the learned counsel for both parties and a perusal of the material available on record, this Court notes that the primary allegation against the petitioner pertains to non-payment of salaries to employees. However, a review of the payslips reveals that the petitioner had indeed paid the salaries in installments in January 2024, prior to the lodging of the complaint in February 2024. In light of these facts and circumstances, this Court is inclined to grant bail to the petitioner with the following conditions:

- i. The petitioner shall surrender before the Station House Officer of Kukatpally Police Station, Cyberabad Commissionerate, within two weeks from today, and on such surrender, the said Station House Officer shall release him on bail on executing a

personal bond for Rs.25,000/- with two sureties, for the like sum each.

- ii. The petitioner shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and co-operate with the Investigating Officer in investigating the case.

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 13.12.2024
SAI

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