THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.1474 of 2025

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 LPC.No.2 of 2022 on the file of the learned Principal Special Judge for CBI Cases, Hyderabad.

2. The brief facts of the case are that a case was registered on 28.03.2011, based on a complaint by Smt. Usha Anantha Subramanian, General Manager of Bank of Baroda's Southern Zone. The complaint alleged that on 03.03.2011, Ranganatha Chowdary, a director of M/s Shiri Avenues Pvt. Ltd., deposited a fraudulent cheque for Rs.3.25 crores into his newly opened current account at Adarsh Nagar Branch, Hyderabad. The cheque, issued by Mrs. Shobhana A Mehta, was later found to be fake. The accused withdrew and transferred the money in various transactions, causing a wrongful loss of Rs.3.25 crores to the bank and a wrongful gain to themselves. The

investigation revealed that the accused had opened the current account with the intention to cheat and defraud the bank.

3. Heard Sri Mohammed Adam, learned counsel appearing on behalf of the petitioner as well as Sri Srinivas Kapatia, learned Special Public Prosecutor for CBI appearing on behalf of respondent – State.

4. Learned counsel for the petitioner submitted that the petitioner/accused No. 9 denies any involvement in the alleged crime. He further submitted that the petitioner is employed in Kuwait for several years and only learned of the case when his passport was withheld for renewal in November, 2024. The petitioner asserts that he never committed the alleged offence and that the allegations are false and mischievous. He contended that the case against him is based solely on the confession of co-accused Ethsham Ali, which is insufficient to convict him. Learned counsel for the petitioner further states that none of the sections mentioned in the case apply to him, and he requests that the case be quashed. Therefore, he prayed the Court to grant pre-arrest bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Special Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the petitioner, has been evading investigation since the case was registered in the year 2011. Despite efforts by the CBI, Khan fled to Kuwait and has not returned. A Look Out Circular (LOC) was issued against him in the year 2012, and he was declared a "Proclaimed Offender" in the year 2016. He further submitted that the trial Court has taken cognizance of the case, and an open-dated arrest warrant and a Red Notice have been issued against the petitioner. Extradition requests have been sent to Kuwait, but the process is pending due to a travel ban imposed on the petitioner by Kuwait authorities. He contended that there is sufficient evidence against the petitioner, including testimony from a co-accused, Shaik Ehtesham Ali, who has already been convicted. Therefore, at this stage, granting of pre-arrest bail to the petitioner does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. Upon consideration of the submissions made by both the learned counsel and a review of the material available on record, as per the complaint it appears that the petitioner is accused of

being part of a conspiracy to cheat Bank of Baroda. He along with others allegedly opened a fake current account and deposited a forged cheque worth Rs.3.25 crores. Further, the petitioner received Rs.5 lakhs as commission for his role in the scam. Thereafter, the petitioner fled to Kuwait after the incident and has been absconding since then. A Red Notice has been issued against him by Interpol. It is the specific stand of the learned counsel for the petitioner is that the petitioner is ready to co-operate with the trial Court and except the confession statement of co-accused, there is no other evidence against the petitioner.

7. Considering the facts and circumstances of the case, this Court deems it fit to grant pre-arrest bail to the petitioner subject to the following conditions:

i. The petitioner must surrender before the trial court immediately after reaching India.
ii. The petitioner is permitted to file an application before the trial court for recall of the warrant issued against him.
iii. The petitioner is directed to deposit his passport before the concerned trial Court immediately after reaching India and shall

not leave the country without the prior permission of the trial Court.

iv. 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.

8. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 13.02.2025
SAI

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