

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 2638 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner, who is arrayed as accused No.1, seeking anticipatory bail in Crime No.15 of 2025 of Nizamabad IV Town Police Station, for the offence punishable under Sections 318(4) of the Bharatiya Nyaya Sanhita, 2023 (BNS), Section 5 of the Telangana Protection of Depositors of Financial Establishments Act, 1999 (for short 'TSPDFEA') and Section 4 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978.

2. Heard Sri N.Vishal, learned counsel for the petitioner and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3. The case of prosecution in brief is that accused Nos. 1 and 2 told the complainant that if he invests one lakh rupees in Medi Life Medicines & Surgical Supplies company, he would get a profit and commission of Rs.4,000/- per week for 45 weeks regularly. The complainant believed the words and paid Rs.50,000/- twice through Google pay on 27.08.2024 and

Rs.50,000/- in net cash on 28-08-2024 on his name and on his wife's name. Initially, the complainant was under the impression that they were operating the scheme as per bank rules but he came to know that it was against RBI regulations. The complainant got suspicion about the company and had asked the accused No.1 and petitioner to give the money in a meeting held on 24.11.2024 at Swagat Hotel in Suchitra area of Hyderabad but they postponed the matter on one reason or the other without payment.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offence and he has been falsely implicated in the present crime. He further submitted that the provisions of Section 5 of TSPDFEA are not attracted to the facts and circumstances of the case.

5. He further submitted that accused No.2 was arrested and enlarged on bail by the learned Sessions Judge at Nizamabad and that entire investigation is completed. The petitioner is ready to cooperate with the investigation and he will abide by the conditions, which are going to be imposed by this Court. Therefore, prays to grant anticipatory bail to the petitioner.

6. *Per contra*, learned Assistant Public Prosecutor submitted that the ingredients of Section 5 of TSPDFEA are attracted to the petitioner and he committed grave offence and the investigation is not yet completed. If the petitioner is granted anticipatory bail, he will interfere with the investigation and also there is a chance to influence the witnesses. Therefore, the petitioner is not entitled for grant of anticipatory bail.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the learned Sessions Judge, Nizamabad already granted bail to accused No.2 *vide* order dated 29.01.2025 in CrI.M.P.No.51 of 2025. Even according to the learned Additional Public Prosecutor, material part of the investigation is completed. Taking into consideration the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with the following conditions:

- (i) Petitioner/accused No.1 is directed to surrender before the S.H.O., Nizamabad IV Town P.S. on or before 29.03.2025 and on such surrender, he shall be enlarged on bail on his executing a personal bond for a sum of Rs.50,000/-(Rupees Fifty thousand only),

with two sureties for a like sum each to his satisfaction.

- (ii) On such release, petitioner/accused No.1 shall appear before the S.H.O., Nizamabad IV Town Police Station on every Monday at 11-00 a.m. for a period of eight (8) weeks or till filing of the charge sheet, whichever is earlier.
- (iii) Petitioner/accused No.1 shall abide by the conditions stipulated under Section 482(2) of BNSS and shall cooperate with the Investigating Officer in the investigation.

8. Accordingly, the Criminal Petition is allowed.

As a sequel thereto, miscellaneous applications, if any, pending in this petition stand closed.

JUSTICE J.SREENIVAS RAO

Date: 24.03.2025

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