

THE HONONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3438 of 2025

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail to the petitioner/accused No.1 in Crime No.278 of 2024 on the file of the P.S. Kalwakurthy, Nagarkurnool District, registered for the offences punishable under Sections 406 and 420 of Indian Penal Code, 1860 (for short 'IPC') and Section 5 of Telagana Protection of Depositors of Financial Establishment Act, 1999 (for short 'the Act').

2. The case of the prosecution is that on 08.10.2024, the *de-facto* complainant lodged a complaint against the petitioner stating that he along with others gave an amount of Rs.1,83,50,000/- to the petitioner (from 01.02.2023 to 25.09.2023) for investment in RC venture and Infra project, where the petitioner said to the *de-facto* complainant that he will double amount within the time. The petitioner along with other accused cheated the *de-facto* complaint

and other persons. Basing on the same a case was registered in Crime No.278 of 2024.

3. Heard Mr.K.Ravinder Reddy, learned counsel representing Mr.M.A.Haroon Amjad, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that petitioner has not committed alleged offence and he was falsely implicated in the said crime. He further submitted that the allegations made by the *de-facto* complainant in the complaint dated 08.10.2024 are purely civil in nature. He further submitted that prior to this complaint, one Mr.Mohammed Zubair had lodged a complaint against the petitioner, on the very same allegations and a case was registered in Crime No.181 of 2024, for the offences punishable under Sections 406, 420 and 506 r/w 34 of IPC. Hence, the petitioner and other accused approached this Court and filed Crl.P.No.14478 of 2024 and this Court disposed of the said petition on 28.11.2024, directing the Police to follow the procedure laid down under Section 35(3) of BNSS (Previously Section 41-A of

Cr.P.C.) and also the guidelines of Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar and another**¹. Thereafter, present crime was registered. He further submitted that initially the crime was registered under Sections 406 and 420 of IPC and only with an intention to harass the petitioner, Section 5 of the Act was included. He further submitted that the petitioner was arrested on 04.02.2025 and since then he is in jail and he is ready to cooperate with the investigation and also ready to abide the conditions, which are going to be imposed by this Court and hence, prayed for grant of bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that specific allegations are leveled against the petitioner/accused No.1 and investigation is under progress and at this stage, the petitioner is not entitled for grant of bail.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that petitioner was arrested on 04.02.2025 and since then he is in jail and *prima facie* it appears that the

¹ (2014) 8 SCC 273

allegations made by the *de-facto* complainant in the complaint dated 08.10.2024 are purely civil in nature. The record further discloses that initially the crime was registered under Sections 406 and 420 of IPC and subsequently included Section 5 of the Act.

7. Taking into consideration of the facts and circumstances of the case and submissions made by the respective parties, this Court is inclined to grant bail to the petitioner/accused No.1, subject to the following conditions:

(i) The petitioner/accused No.1 shall execute a personal bond for a sum of Rs.50,000/-(Rupees Fifty Thousand only) with two sureties for a like sum each to the satisfaction of Judicial Magistrate of First Class at Kalwakurthy, Nagarkurnool District.

(ii) The petitioner/accused No.1 shall appear before the concerned SHO at 11.00 A.M. on every Monday, for a period of eight (8) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter, as and when required.

iii) The petitioner/accused No.1 shall abide by the conditions stipulated in Section 483 (3) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 13.03.2025

vsl