

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.4227 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarika Suraksha Sanhita, 2023 (for short, 'BNSS') seeking anticipatory bail to the petitioner who is arrayed as accused No.2 in Crime No.81 of 2025 of Vanasthalipuram Police Station, Rachakonda Commissionerate, registered for the offence punishable under Sections 406, 420 of IPC, Section 5 of Telangana State Protection of Depositors and Financial Establishments Act, 1999 (for short 'TSPDFEA') and Sections 4 to 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978.

2.1 The case of prosecution in brief is that on 16.01.2025 at 20-00 hours the complainant lodged complaint with the police alleging that in the month of June 2023, he came into contact with one Pendyala Narsing Madhusudhan Rao, who was working in Thanvitha Ayurvedic Nilayam, Vanasthalipuram and he explained about two investment plans i.e., if he invested an amount of Rs.1,00,000/-, he will receive Rs.1,500/- on daily basis for 150 days and the second plan is that if he invested an amount of Rs. 1,00,000/-, he will receive an amount of Rs.1,000/- on daily basis and the company will register an open plot in his name towards

security. It is further alleged that he introduced accused No. 1, i.e., the managing director of company, who also assured to give the above returns and they also arranged site visit of their lands at Alair and Pedda Amberpet. It is further alleged that basing on the assurance given by the said persons, he invested an amount of Rs.90,00,000/- in the months of August and September, 2023 and the said amounts were transferred through online. It is alleged that on receipt of the said amount IDs were created on his name. He also invested an amount of Rs. 40,00,000/- in the name of his wife and daughter.

2.2 It is further alleged that the above persons promised to register the land about 1000 square yards at Alair and Pedda Amberpet towards security of his investment, however, thereafter, they did not keep up their promises and they did not register any land and whenever he asked them, they started postponing the same and finally started rejecting his calls. It is alleged that he visited the office situated at Vanasthalipuram and in the office, the brother of accused No.1 i.e., the petitioner and one employee i.e., the accused No. 4 did not give proper response and when he demanded them to meet Accused No. 1, they threatened him with dire consequences. It is further alleged that though he met and contacted accused No.1, there was no response from him. On

enquiry, he came to know that accused No.1 and the petitioner have collected crores of rupees from several innocent people in similar way and thereupon in the month of October 2023, they have winded up all their companies and went on absconding with the money collected from him and others. It is further alleged that on his enquiry he came to know that accused No.1 purchased huge extent of lands in his name as well as in the name of petitioner and his wife and also in the name of some of his employees. Basing on the same, the present crime was registered for the aforesaid offences.

3. Heard Mr. Rajagoplan Thayi, learned counsel, representing Mr.V.Venkata Mayur, learned counsel for the petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner/accused No.2 submitted that the petitioner has not committed the alleged offence and he was falsely implicated in the present crime on the sole ground that he is the brother of accused No.1. He further submitted that the ingredients of 406, 420 of IPC, Section 5 of TSPDFEA and Sections 4 to 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978 are not applicable to the petitioner. He further submitted that there is no privity of contract between the *de-facto*

complainant and the petitioner and the petitioner has not received any amount either from the *de-facto* complainant or from accused No.1. The petitioner is a Government employee working as Nursing Officer in Government Medical College, Nalgonda and therefore, if he is arrested and kept behind the bars, he will lose his employment as per Service Rules. The petitioner is ready and willing to cooperate with the investigating officer for investigation and abide by the conditions that may be imposed by the Court.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner has committed a grave offence and huge amount was collected from the *de-facto* complainant and other victims and the investigation is not yet completed and therefore, if the petitioner is granted anticipatory bail at this stage, there is every chance of his influencing the witnesses and interfering with the investigation. Hence, he prays to dismiss this criminal petition.

6. Having considered the rival submissions made by respective parties and after perusal of the material available on record, it reveals that since the petitioner is a Government employee working as Nursing Officer in Government Medical College, Nalgonda. The petitioner is not having any criminal antecedents and the same is not disputed by the learned Additional Public Prosecutor. Hence,

this Court is inclined to grant anticipatory bail to the petitioner/accused No.2 subject to the following conditions:

- (i) Petitioner/accused No.2 is directed to surrender before the Station House Officer, Vanasthalipuram Police Station, on or before 10.04.2025;
- (ii) On such surrender, the Station House Officer, Vanasthalipuram Police Station, shall release the petitioner/accused No.2 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 the satisfaction of the said Officer;
- (iii) On such release, petitioner/accused No.2 shall appear before the Station House Officer, Vanasthalipuram Police Station, on every Sunday commencing from 13.04.2025 at 11:00 a.m., for a period of eight weeks, for the purpose of investigation and thereafter, as and when required by the police for investigation.
- (iv) Petitioner/accused No.2 shall abide by the conditions stipulated under Section 438(2) of the Criminal Procedure Code, 1973/Section 482 of BNSS and shall cooperate with the investigation officer for conclusion of investigation.

7. Accordingly, the Criminal Petition is allowed. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

J.SREENIVAS RAO, J

Date: 04.04.2025.

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