

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.4641 of 2025

ORDER:

This Criminal Petition is filed by the petitioner/accused No.2, seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.86 of 2025 of Khammam II Town Police Station, Khammam District, registered for the offences punishable under Sections 326(2), 318(4) of BNS and Section 5 of Telangana Protection of Depositors of Financial Establishment Act (for short 'TSPDFEA').

2. Heard Sri T.Rangachary, learned counsel representing Sri Dr.Challa Srinivasa Reddy, learned counsel for the petitioner and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The case of the prosecution is that the *de facto* complainant gave complaint to the Police Khammam II town,

in that, he mentioned that he was a subscriber of Nikshiptha Chit funds Pvt. Ltd. After paying the entire chit installments, the owners of the chit fund have not paid the amount to the *de facto* complainant. On his enquiry, the management of the said chit funds not paid amounts to so many subscribers for that they approached the Police and filed the report. Upon the report made by the *de facto* complainant, the Police registered the case against accused No.1 by name Sangisetty Karunakar and Mulla Uma Maheswara Rao and arrested the two persons on 10.03.2025 and interrogated them. On their interrogation, they confessed that including this petitioner/accused No.2, all of them have established the above said chit fund and they run the same and collected the amounts from the subscribers. On their confession, the Police filed the alteration memo, in that, the name of the petitioner was shown in the array of accused as accused No.2 in the said crime. After alterations of the section of law, there is apprehension that the Police may arrest the

petitioner-accused No.2. Based on the same, the aforesaid crime was registered against the accused.

4. Learned counsel for the petitioner submits that the petitioner has not committed alleged offence and he is falsely implicated in the aforesaid crime. The entire allegations are leveled against accused No.1. He further submitted that the petitioner is not a partner in the Nikshiptha Chit Funds Private Limited and he had already resigned from the above said chit fund company and he has not received any amount either from the chit fund company or from any subscriber. The ingredients of Sections 326(2), 318(4) of BNS and Section 5 of TSPDFEA are not attracted against the petitioner. The petitioner is ready and willing to cooperate with the investigation and also abide by the conditions that may be imposed by the Court. Hence, prayed to grant anticipatory bail to the petitioner.

5. *Per contra*, learned Additional Public Prosecutor submits that the petitioner has committed a grave offence and

investigation is under progress. If the petitioner is granted anticipatory bail at this stage, there is every chance of their influencing the witnesses and interfering with the investigation.

6. Having considered the rival submissions made by the respective parties and on perusal of the record, it reveals that the petitioner and the Managing Director of the chit fund company as stated 'supra' have entered into a Memorandum of Understanding on 15.07.2023, wherein, it is mentioned that the petitioner resigned from the said Company as a partner and thereafter, the petitioner submitted application before the Registrar of Companies about his resignation and also issued public notice on 06.11.2023 informing the general public that he is resigned as a partner from the chit fund company and the same was published in Nava Telangana Telugu daily News Paper. Even according to the learned Additional Public Prosecutor, the petitioner is not having any criminal antecedents and seven (7) witnesses are already examined.

Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner/accused No.2 subject to the following conditions:

- (i) Petitioner/accused Nos.2 is directed to surrender before the Station House Officer, Khammam II Town, Police Station, Khammam District on or before 17.04.2025;
- (ii) On such surrender, the Station House Officer of Khammam II Town, Police Station, Khammam District, shall release the petitioner 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, the petitioner/accused No.2 shall appear before the Station House Officer, Khammam II Town, Police Station, Khammam District, on every Monday at 11:00 A.M., for a period of eight weeks for the purpose of investigation and thereafter, as and when required for investigation.
- (iv) The 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. Subject to the above directions, the Criminal Petition is
allowed. No costs.

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

Date: 11.04.2025
mnv

J.SREENIVAS RAO, J

::7::

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.4641 of 2025

Date: 11.04.2025

mnv