

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13191 OF 2025

ORDER :

This criminal petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner/A.15 seeking anticipatory bail in connection with Crime No.42 of 2013 of Dornakal Police Station, Warangal Rural District. The offences alleged against the petitioner are under Sections 420 of Indian Penal Code and Sections 3 and 5 of Andhra Pradesh Protection of Depositors and Financial Establishment Act, 1999.

2. The case of the prosecution is that on 20.03.2013 the defacto complainant lodged a complaint stating that he joined in Akshaya Gold Farms & Villas India Limited, Khammam Branch at the instance of one Nagender who stated that every day the customer has to pay Rs.10/- i.e., Rs.300/- per month and after one year the company would pay Rs.3,900/- to the customers and agent would get 9% commission. Believing the same, the complainant along with other persons joined as agents in the said finance company and it went smoothly for two years and thereafter, from September, 2011, the company has not paid amount to the customers. When the agents approached the Zonal Manager-Nagender, he stated that he would receive

amount from the head office but no amount is paid to 12 agents and 100 account holders and cheated the defacto complainant and other victims to a tune of Rs.10 lakhs. As such, requested the police to take necessary action against the accused basing on which the police registered the case against the accused for the above offences.

3. Heard Sri Naga Raghu, learned counsel appearing for Sri M.V.S Sai Sharath, learned counsel for the petitioner and Sri E. Ganesh, learned Assistant Public Prosecutor appearing for the respondent-State.

4. The contention of learned counsel for the petitioner is that the alleged complaint was lodged on 20.03.2013 for the offence committed in the year 2009 to 2011 and the petitioner herein was the Director of the said company for a short period from 05.11.2007 to 15.02.2008 and thereafter, from 08.11.2010 to 10.11.2010 and there is no such deposit during his tenure and the offence pertains to the year 2013. In all other cases though the petitioner was arrayed as accused, he was not arrested. In the charge sheet filed by police in Cr.No.38 of 2013 it is clearly mentioned that the petitioner herein already resigned from the said establishment. He further submitted that in the writ petition filed before the Division bench, it was observed that a Special Court was constituted at Eluru dealing with the matters

of Akshaya Gold Farms Villas India Limited and other companies, all the matters have to be tried by the said Special Court. He also submitted that there is no flight risk in this case as the offence is of the year 2013 and petitioner came to know of the said offence only recently and he undertakes to cooperate with the investigation. Hence, prayed this Court to grant anticipatory bail to the petitioner.

5. On the other hand, learned Assistant Public Prosecutor opposed bail stating that petitioner was the Director of alleged company in the year 2010 also and during his tenure all the deposits were made by the victims. As such, it cannot be said that petitioner herein is no way connected with the said allegations and it requires investigation. Hence, prayed this Court to dismiss this bail petition.

6. Considering the submissions made by the respective counsel and the material on record, admittedly, the offence is of the year 2013 and petitioner herein is A.15. Even according to the prosecution, in the charge sheet filed in Cr.No.38 of 2013, it was mentioned that the petitioner herein has resigned from the post of Director of the said company in the year 2008 itself and thereafter he was Director for only two days in the year 2010. Considering these circumstances this Court deems it fit to grant bail to the petitioner subject to the following conditions :

- i. The petitioner/A.15 shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties for a like sum each to the satisfaction of Principal Junior Civil Judge-Cum-Judicial First Class Magistrate, Mahabubabad.
- ii. The petitioner/A.15 shall appear before the concerned SHO at 11:00 a.m., on every Wednesday for a period of eight (8) weeks, for the purpose of investigation and thereafter, as and when required.
- iii. The petitioner/A.15 shall abide by the other conditions stipulated in Section 483(2) of BNSS and co-operate with the Investigating Officer in investigating the case.

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous petitions, if any, pending shall stand closed.

Date : 29.10.2025
Rds

K. SUJANA, J

THE HON'BLE SMT. JUSTICE K. SUJANA

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DATE :29.10.2025

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