

**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT
HYDERABAD**

THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL

CRIMINAL PETITION No.7564 of 2026

Date: 14.05.2026

Between:

Lavanya Lakumarapu

..Petitioner/Accused

And

The State of Telangana,
Through P.S. Amangal,
rep by Public Prosecutor,
High Court, High Court Building,
Hyderabad.

..Respondent/Complainant

ORDER:

The petitioner-accused filed the present Criminal Petition under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking to grant bail to him in Crime No.79 of 2026 of Amangal Police Station, Future City, which was registered for the offences punishable under Sections 318(4), 316(2) of Bharatiya Nyaya Sanhita, 2023 (for short “the BNS”), Section 5 of the Telangana Protection of Depositors of Financial Establishments Act, 1999 (TSPDFE Act).

2. Heard Ms.Sandhya, learned counsel representing Sri Nageshwar Rao Pujari, learned counsel appearing for the petitioner and Sri M.Ramachandra Reddy, learned Additional

Public Prosecutor, appearing for the respondent-State and perused the record.

3. Learned counsel appearing for the petitioner would submit that, earlier one Derangula Sandhya @ Padma lodged a complaint against the petitioner on the same set of allegations and basing on the said complaint a case in Crime No.16 of 2025 was registered against the petitioner, where the petitioner was granted Anticipatory Bail upon certain conditions by the Co-ordinate Bench of this Court in Criminal Petition No.1665 of 2026, dated 24.02.2026. He would further submit that, now at the behest of one other complainant Ms. Ravada Shanti, the respondent-police unmindfully registered a complaint against the petitioner on 07.04.2026 in FIR.No.79 of 2026 for the very same offences i.e., Sections 318(4), 316(2) BNS, Section 5 of the TSPDFE Act. In connection with that crime, the petitioner was remanded to judicial custody. The action of the respondent-police would clearly demonstrate the violation of the rights guaranteed to the petitioner under Article 20(2) of the Constitution of India and amounts to abuse of process of law as the petitioner had been subjected to double jeopardy.

4. Learned counsel further submitted that the offences registered against the petitioner, particularly Section 5 of the TSPDFE Act do not apply as the entire allegation is with regard to conduct of chit fund business and therefore, subjecting the petitioner to the judicial remand would amount to abuse of process of law, unconstitutional and arbitrary. Hence, seeks to allow this Criminal Petition.

5. On the other hand, the learned Additional Public Prosecutor submitted that Section 5 of the TSPDFE Act is not applicable to the present case, as the allegations *prima facie* arise out of the conduct of chit fund activities. It is further contended that Sections 318(4) and 316(2) of the BNS are attracted against the petitioner, since the allegations disclose that prospective chit fund subscribers were allegedly cheated. During the course of investigation, a *prima facie* case has been made out; and pending filing of the charge sheet and alteration of the relevant Sections, the petitioner has accordingly been subjected to judicial remand.

6. In the light of the aforesaid facts and circumstances of the case and upon perusing the material available on record, this Court is of the opinion that the petitioner is arrayed as accused

for the offences punishable under Sections 318(4), 316(2) BNS, Section 5 of the TSPDFE Act and *prima facie* the material available before this Court would clearly demonstrate the entire transaction is arising out of chit fund business and therefore, implicating the petitioner under Section 5 of the TSPDFE Act is *per se* illegal.

7. In ***State of Haryana V. Bhajan Lal***¹ the Hon'ble Apex Court had laid down certain guidelines where the proceedings can be quashed. Guideline No.7 is extracted here under:

“7. Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

Therefore, the offence under Section 5 of the TSPDFE Act against the petitioner is not made out.

8. Before proceeding further, it is necessary to refer to Sections 318(4) and 316(2) BNS which are extracted hereunder:

Section 318 (4) of BNS: Cheating:

¹ 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426

Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property, is said to “cheat”.

Explanation: A dishonest concealment of facts is a deception within the meaning of this Section.”

Section 316 (2): Criminal Breach of Trust:-

(1) xxx

(2) Whoever, commits criminal breach of trust shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

9. The punishment prescribed for the offences under Sections 318(4) and 316(2) BNS is imprisonment upto 7 years. Hence, this Court deems it appropriate to grant bail to the petitioner.

10. Accordingly, the Criminal Petition is allowed and the petitioner/accused shall be released on bail on the following terms and conditions:

- (i) That the petitioner/accused shall execute a personal bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum each to the satisfaction of the Judicial Magistrate of First Class, Amangal.
- (ii) that the petitioner/accused shall not indulge in any similar type of activities, in future;
- (iii) that the petitioner/accused shall not tamper with the prosecution witnesses;
- (iv) that the petitioner/accused shall co-operate with the investigating agency.
- (v) that the petitioner/accused shall not misuse the liberty granted to her.
- (vi) The petitioner shall not leave the country without prior permission of the Court concerned and surrender her passport, if any before the Court concerned.

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

14.05.2026
vsu/myk

E.V.VENUGOPAL, J