

THE HON'BLE MS JUSTICE B.S.BHANUMATHI

Criminal Petition No.563 of 2023

ORDER :

This Criminal Petition, under Sections 437 and 439 of the Code of Criminal Procedure, 1973 ('CrPC'), is filed by petitioner, who is A.27 in Crime No.51 of 2022 of Cyber Crime Station, NTR District, seeking regular bail.

2. Heard Sri G.L.Nageswar Rao, learned counsel for the petitioner/A.27 and the learned Additional Public Prosecutor representing the respondent/State.

3. A case has been registered against the petitioner and others for the offences punishable under Sections 420, 120-B IPC and 4 and 5 of the Prize, Chits and Money Circulation Schemes (Banning) Act, 1978 and 4 and 5 of the Andhra Pradesh Protection of Depositors of Financial Establishments Act, 1999, and 66 of the Information Technology Act, 2000.

4. The case of prosecution, in brief is that A.2 got registered A.1 firm under the name and style "Sankalpmart" through a software person by name Rompicherla Vijaya Rama Seshacharyulu in the website and created I.P. address, designed programme for learning members into 10 levels inviting deposits offering higher income on their investments and collected deposits from several customers. Later, A.1 and A.2, with the deposits of the customers, purchased properties in various places. Petitioner/A.27 initially joined as member in A.1

company and got huge returns and induced so many customers and got deposited money in favour of schemes. Petitioner attended several meetings of the company and in criminal conspiracy with other accused, induced innocent public in joining as members in various schemes of the company and alleged huge deposits. It is further alleged that basing on the confession of other accused, the petitioner as accused No.27 was arrested.

5. Learned counsel for the petitioner submitted that the petitioner has been in jail for 53 days having been arrested on 01.12.2022 and that the major part of the investigation is completed, though charge sheet is not filed and further that the petitioner himself is the victim in the scheme having deposited Rs.3,00,000/- from his personal money and that he had no intention of committing the offence. He further submitted that co-accused No.17 with the similar allegations has been granted bail by this High Court in CrI. P.No.10623 of 2022 on 05.01.2023.

6. Learned Additional Public Prosecutor representing the respondent/State opposed the bail stating that the investigation is not yet completed and the accusation leveled against the accused is serious.

7. Considering the fact that the major part of investigation is completed, though charge sheet is not filed, and the petitioner is

not prime accused and that the accused standing on the similar footing has already been granted bail, this Court is of the view that the petitioner can be enlarged on bail with certain conditions.

8. In the result, the petition is allowed. The petitioner/A.27 shall be released on bail on his executing personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for the like sum each, to the satisfaction of the learned Special Judge for trial of APPDFE Act Cases – cum - Metropolitan Sessions Judge, Vijayawada, and subject to complying the following conditions:

- i. The petitioner shall co-operate with the investigation and shall attend before the Station House Officer on every alternative day between 10-00 A.M. and 5-00 P.M. starting from the day of his release until further orders or till charge sheet is filed, whichever is earlier.
- ii. The petitioner/A1 shall not directly or indirectly contact or threaten the witnesses under any circumstances and any such attempt shall be construed as an attempt of influencing the witnesses. He shall co-operate with the investigation, and shall not tamper the evidence.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE B.S.BHANUMATHI

Date : 01-02-2023
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