

HON'BLE Dr. JUSTICE K. MANMADHA RAO

CRIMINAL PETITION No.431 OF 2023

ORDER:-

This criminal petition under Sections 437 & 439 of the Code of Criminal Procedure, 1973 is filed to enlarge the petitioner on bail in connection with Crime No.51 of 2022 of Cyber Crime Police Station, Vijayawada, registered for the offences punishable under Section 420, 120(b) of IPC, Sec 4 & 5 of Prize, Chits and Money circulation Scheme (Banning) Act, 1978, Section 4 & 5 of AP Protection of Depositors of Financial Establishment Act, 1999 and Section 66 of Information Technology Act, 2000.

2 The case of the prosecution in brief is that A.2 got registered A-1 firm under the name and style of 'Sankalmpart' through his software person byname 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, that the petitioner/A-22 initially joined as member in A-1 company and got huge returns and they induced so many customers

and got deposited of money in various schemes, that the petitioners attended several meetings of the company and collected huge deposits, that the petitioner/A-22 is active member in the tea of A-2 and he knows about the fraudulent schemes introduced by A-2 and the petitioner in conspiracy with A-2 misappropriated the deposits of the customers. Hence, present crime was registered against the petitioner/A-22 along with other accused.

3. It is further represented that on 23.01.2023, this bail application was listed and the matter is posted for getting instructions of Assistant Public Prosecutor and the matter was directed to be posted after one week. Today the petitioner counsel moved Lunch Motion and represented that he filed an Interlocutory Application seeking interim bail stating that on earlier hours, the petitioner mother expired on 27.01.2023 at 1:30 A.M and the petitioner has to attend the funerals of his mother and also he has to attend death rituals and other ceremonies as he is the elder son. Therefore, prayed to grant interim bail. Accordingly, the same was numbered after permitting the Lunch Motion on hearing the petition. On hearing the petition, this Court inclined to grant regular bail instead of interim bail. Accordingly, the bail petition is ordered.

4. On the submissions made learned counsel for the petitioner and learned Assistant Public Prosecutor for the State, the petitioner is only deposited an amount of Rs.67,000/- and he made 15 members to join in the said group, that the so called stamp papers and other documents mentioned in the remand report are neither signed by the petitioner nor the said documents seized from the hands of the petitioner. He further submits that the petitioner has been in judicial custody since 05.12.2022 i.e., for about 52 days and thereby prayed for grant of bail to the petitioner.

5. Petitioner is a depositor. The petitioner was arrested on 05.12.2022 and since then he has been languishing in jail. Further, detaining the petitioner in jail would not improve the case of the prosecution. Apart from that other accused i.e.A-17 released on regular bail by order dated 05.01.2023, this court is inclined to grant bail to the petitioner on certain terms and conditions.

6. Accordingly, the criminal petition is allowed. The petitioner/A-22 in Crime No.51 of 2022 of Cyber Crime Police Station, Vijayawada shall be released on bail on his executing 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 the Special Judge for trial of APPDFE Act Cases-cum-Metropolitan Sessions Judge, Vijayawada. The petitioner shall cooperate with the investigation and shall attend before the concerned Station House Officer everyday between 10.00 AM and 1.00 PM till filing of the charge sheet.

Dr. JUSTICE K. MANMADHA RAO

27.01.2023

Note: C.C Today
B/o
LSP/GVL

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