

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

MONDAY, THE FIFTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY ONE

:PRESENT:
THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO: 8108 OF 2021

Between:

V. Bharath Kumar, S/o. V. Jaya Kumar,

Petitioner/Accused

AND

The State of Telangana, through P.S., Tukaramgate, Rep. by its Public Prosecutor, High Court of Telangana, Hyderabad.

Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the petition and the grounds filed therein, the High Court may be pleased to enlarge the Petitioner/Accused on bail in the event of his arrest in Crime No.233/2021 of P.S. Tukaramgate dated 18.10.2021;

The petition coming on for hearing, upon perusing the Petition and the grounds filed therein, and upon hearing the arguments of Sri Karam Chendu Komireddy, Advocate for the Petitioner, and of the Asst. Public Prosecutor, for the Respondent, the Court made the following.

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO. 8108 OF 2021

ORDER :

This Criminal Petition under Section 438 Cr.P.C. is filed by the petitioner / accused seeking anticipatory bail in Crime No. 233 of 2021 of SHO, Tukaramgate Police Station, registered for the offences punishable under Sections 406, 420, 504 and 506 IPC.

2. Heard learned counsel for the petitioner / accused as well as learned Assistant Public Prosecutor appearing for respondent / State. Perused the material on record.

3. The allegations of the prosecution, in brief, are as under:

On 18.10.2021 at 15.30 hours, the police received complaint from one Sri B. Kashi Ram stating that one person by name V. Bharath Kumar, Director of Eagle Immigrations and Eegle Expert Immigrations Private Limited, East Maredpally, promised that he would provide job abroad to the complainant and asked to pay Rs.10,00,000/-. Between 08.03.2021 and 04.04.2021, the complainant paid Rs.8,00,000/- through cheque and Rs.2,00,000/- by way of cash. On 05.05.2021, even after repeated requests, he was not provided with job. Further, when petitioner is making efforts to leave the country, present report is lodged. Basing on the same, the subject crime is registered.

4. Learned counsel for the petitioner *Sri Karam Chendu Komireddy* submits that though the punishment prescribed for the

aforesaid offences is below seven years and the police, having issued notice under Section 41-A Cr.P.C., still are not following procedure contemplated under the said section and threatening the petitioner to enter into compromise with the complainant.

5. In fact, challenging the high-handed action of the respondent – police, the petitioner filed W.P. No. 27774 of 2021 and this Hon'ble Court was pleased to pass interim order dated 08.11.2021, which reads as under:

“Main grievance of petitioner is that police are not following procedure contemplated under Section 41-A Cr.P.C. and guidelines issued by the Supreme Court in *Arnesh Kumar v. State of Bihar* (AIR 2014 SC 2756). Petitioner is sole accused in FIR No. 233 of 2021, P.S. Tukaramgate registered for the offences under Sections 406, 420, 504 and 506 IPC.

Learned counsel for the petitioner submits that all the offences are bailable with less than seven years imprisonment and mandatory procedure under Section 41-A Cr.P.C. is required to be followed.

Notice before admission.

Personal notice is permitted to Respondent No.5.

Learned Assistant Government Pleader for Home to get instructions by the next date of hearing.

Post on 15.11.2021.

In case petitioner is required for the purpose of investigation, Respondent No.4 – Station House Officer, Tukaramgate Police Station is directed to follow procedure under Section 41-A Cr.P.C. and guidelines issued by the Supreme Court in *Arnesh Kumar's case*.”

6. Learned counsel for the petitioner submits that in spite of the above order passed by this Court, the respondent –