

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
FRIDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE T MALLIKARJUNA RAO
CRIMINAL PETITION NO: 2663 OF 2025



Between:

1. Gonthina Dinesh,, S/o. Late Ramesh, Aged about 25 years, D. No.2-25-3, Sector-6, MVP Colony, Visakhapatnam, N/o. Pandurangapuram, Arilova, VSP City.
2. Gonthina Satya,, W/o. Late Ramesh, Aged 42 years, Pandrangapuram, Arilova R/o.D.No.2-25-3, Sector-6, MVP Colony, Visakhapatnam, N/o. Pandrangapuramm, Arilova, VSP City.

Petitioner/Accused

AND

The State of Andhrapradesh, through Muvvalavanipalem P.S.,
Visakhapatnam, Rep. by Public Prosecutor, High Court of A.P.at Amaravathi.

Respondent/Complainant

Petition under Sections 437 and 439 of Cr.P.C(New Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhita,2023), is filed praying that in the circumstances stated in the memorandum of grounds filed in support of the Criminal Petition, the High Court may be pleased to enlarge the petitioners/Accused on bail in Crime No.44 of 2025 of Muvvalavanipalem P.S.Visakhapatnam.

The petition coming on for hearing, upon perusing the Petition and the memorandum of grounds filed in support thereof and upon hearing the arguments of Sri MUSUDI BABJI, Advocate for the Petitioner and of PUBLIC PROSECUTOR for Respondent, the Court made the following

ORDER

APHC010122782025



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3369]

**FRIDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE**

**PRESENT
THE HONOURABLE SRI JUSTICE T MALLIKARJUNA RAO**

CRIMINAL PETITION NO: 2663/2025

Between:

Gonthina Dinesh, and Others

...PETITIONER/ACCUSED(S)

AND

The State Of Andhrapradesh

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused(S):

1.MUSUDI BABJI

Counsel for the Respondent/complainant:

1.PUBLIC PROSECUTOR

The Court made the following Order:

This Criminal Petition, u/Sec.480 & 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed by the petitioners/A1 & A2, seeking bail, in Crime No.44/2025 of Muvvalavanipalem Police Station, Visakhapatnam Commissionerate.

2. A case has been registered against the petitioners for the offences punishable u/Secs. 318(4), 319(2), 336(3), 340(2), 351(2), 61(1) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'the BNS') and Sections 21(1)(2)(3), 22 and 23 of Banning Unregulated Deposit Schemes Act, 2019 (for short 'the BUDS Act').

3. Heard learned counsel for the petitioners and the learned Assistant Public Prosecutor representing the respondent/State.

4. The case of the prosecution in brief is that:

On 26.01.2025, the *de facto* complainant reported that he is residing in Gajuwaka with his family and worked as incharge of DIGON Tech Company located in M.V.P.Colony for 5 months which was run by A1. After that the company shut down and complainant and also A1 are in search of jobs. After some time, A1 stated that his mother, who is A2, has been working as librarian in Andhra University and she is also an union member in the said University and she can arrange jobs in the University. Believing the words of A1, the defacto complainant and his friends visited the house of petitioners in the month of September, 2023. A1 convinced them that his mother who is A2 will arrange jobs for them. Believing the same, the defacto complainant and his friends paid amount through online and also by way of cash to a tune of Rs.31,69,900/- to A1 and A2. A1 and A2 also collected signed empty stamp papers from the complainant and his friends. Later A1 and A2 paid deaf ear to the complainant and his friends. Hence they resorted to file this complaint. During the course of investigation, police arrested A1 and A2 on 27.01.2025 and since then they are in judicial remand.

5. Learned counsel for the petitioners contended that petitioners have been in judicial custody from 27.01.2025 and the petitioner/A1 and A2 are

son and mother and A1 used to run the DIGON TECH in MVP Colony, Visakhapatnam and to prove the same they filed a copy of form-C. He further submitted that the defacto complainant and his brother K.Rohit are the friends of A1. They paid amount to the petitioners towards investment in DIGON Tech company being run by A1. But as the company was closed the said amount was forfeited by the concerned. He further submitted that it is highly impossible for A2 to provide job opportunities in the said University as she is working as Librarian in the said University. As the amount invested by the complainant and his friends in the DIGON TECH company was forfeited by the concerned authorities, they came up with this plea that the petitioners collected the said amount for providing jobs in University which is highly not trustworthy.

6. On the other hand, learned Assistant Public Prosecutor opposed to grant bail to the petitioners. He further submits that A2 worked as Library assistant in Andhra University and the same was not disputed by the petitioners also. It is represented by A1 and A2 that there are job opportunities in the Andhra University and it is also stated by A1 and A2 that they will provide job opportunities in the said University and by saying so, they collected amount from the complainant and others.

7. On a perusal of the material on record and on considering the the submissions made by both sides, it is seen from the record that the petitioners have been in judicial custody from 27.01.2025 i.e. for more than 54 days. By

this time, most of the investigation might have been completed and it is also submitted that A2 was detected with HIV positive and also she is suffering from parenchymal liver disease (as opined by the doctors in Apollo Hospital). It is also submitted that A2 took voluntary retirement in the year 2018. The contention made by the defacto complainant and his brothers that they gave certain amount to A1 and A2 in the year 2023-24 believing that she would provide jobs to them is doubtful as the 2nd petitioner who is A2 had given voluntarily retired from service in the year 2018.

8. Considering the nature of the accusation made against the petitioners and an amount has been paid as investment in the said DIGON TECH company and breach of trust and other contentions cannot be decided at the stage of arguments in a bail application. When ascertained, learned Public Prosecutor submitted that there are two antecedents against A1 and five antecedents against A2. As the 2nd petitioner who is A2 is detected with HIV positive and also with other diseases, this Court is inclined to allow the criminal petition.

9. In the result, the criminal petition is allowed with the following conditions:

i. The petitioners/A1 and A2 herein shall be released on bail on their executing a personal bond for Rs.50,000/- (Rupees fifty thousand only) each with two (02) sureties for a like sum each to the satisfaction of the learned Principal District and Sessions Judge, Visakhapatnam;

ii. On release, 1st petitioner/A1 is directed to attend before the Investigation officer concerned once in a week i.e. on every Saturday in between 10.00 am and 5.00 pm for a period of three (03) months; and

iii. 2nd petitioner is directed to appear before the Investigation officer concerned as and when her presence is required; and

iv. that the petitioners/A1 and A2 are directed not to hamper the investigation and tamper with the prosecution witnesses and they shall cooperate with the investigation.

SD/- G.HELANAIDU
ASSISTANT REGISTRAR

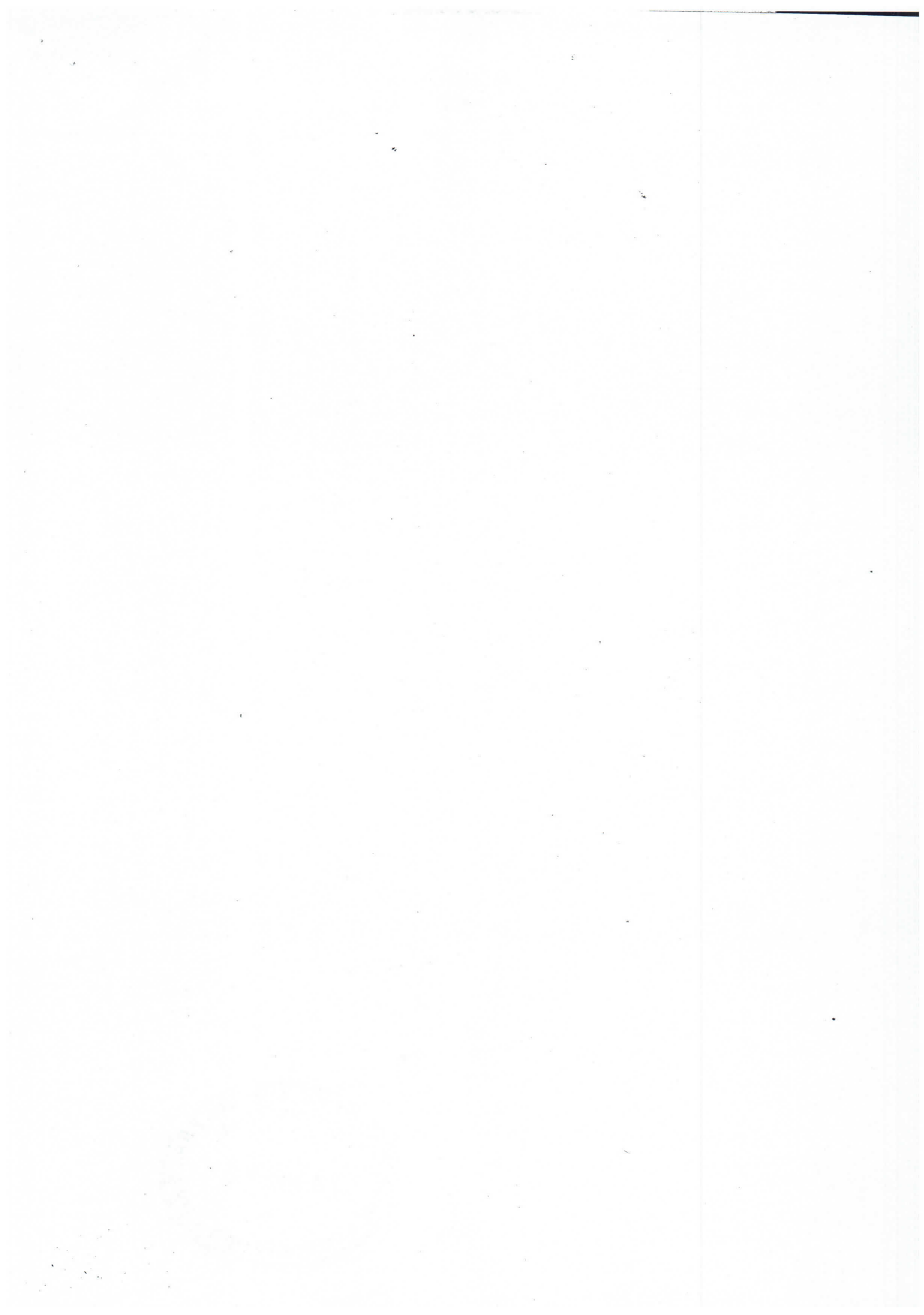
SECTION OFFICER

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To,

1. The Principal District Sessions Judge, Visakhapatnam.
2. The Superintendent, Central Prison, Visakhapatnam.
3. The SHO., Muvvalavanipalem P.S., Visakhapatnam.
4. One CC to SRI. MUSUDI BABJI Advocate [OPUC]
5. Two CCs to the PUBLIC PROSECUTOR, High Court of A.P [OPUC]
6. One spare copy

psk



HIGH COURT

TMR,J

DATED:21/03/2025

BAIL ORDER

CRLP.No.2663 of 2025

ALLOWED

