HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.2427 of 2015

ORDER:

The petitioner, who is accused No.9, filed the present application under Section 438 Cr.P.C., seeking release in the event of his arrest in connection with Crime No.276 of 2014 of Kadapa I Town Police Station, Kadapa District, registered for the offences punishable under Sections 406, 409, 468, 471 and 420 read with Section 34 of IPC.

The case of the prosecution is as under:

This is a case of criminal breach of trust, forgery, cheating and misappropriation of Government funds by way of sanctioning short term loans without documents and basing on fake pattadar passbooks and title deeds. The offence took place in Ananthamapalli, Ananthaiahgaripalle and Ananathasamudram Primary Agriculture Cooperative Society and Rajampet/Pullampet DCC Bank Branch, Kadapa District. It is alleged that on 17.09.2014, at about 02.00 p.m., the Audit Officer, District Co-operative Office and Incharge Divisional Cooperative Officer, Kadapa lodged a report with SI of Kadapa I Town Police Station against Kollam Bramhananda Reddy, Ex-Chairman of District Cooperative Central Bank, Kadapa, A.Srinivasulu Reddy, Ex-Secretary of Ananthampalli Primary Agirculture Cooperative Society and others stating that on 15.06.2013, short term loans were sanctioned to two beneficiaries @Rs.1,00,000/- each without production of pattadar passbooks and title deeds. The report also disclose that on 31.03.2011, 19 other short term loans were granted to the beneficiaries @ Rs.50,000/- each on the basis of pattadar passbooks and title deeds, which are found to be fake. Further, on 31.03.2011, 7 short term loans were sanctioned to seven beneficiaries @ Rs.50,000/-, basing on fake documents. Basing on the above allegations, the present case came to be registered.

Heard learned counsel for the petitioner and learned Public Prosecutor appearing for the respondent-State.

Learned counsel for the petitioner submits that the petitioner is innocent of the offence alleged and he has been falsely implicated. According to him, the petitioner being V.R.O. issued only residential certificates.

On the other hand, the learned Public Prosecutor opposed the application contending that statements of LWs.20 and 21 clearly disclose the role played by the petitioner in issuing false certificates.

A perusal of the statements of LWs.20 and 21, who are land owners show that all the accused including the petitioner colluded with each other and obtained loans on binami names and also by creating pass books. The statement of LW.21 clearly shows that though the pass book contains the correct survey number, but the photograph on the pass book is different and that he has nothing to do with the loan transaction. The material on record also discloses that the anticipatory bail application filed by another V.R.O. was earlier rejected by this Court. By an order dated 26.09.2014 passed in Crl.P.No.12230 of 2014 this Court granted stay of arrest of accused No.1 till completion of investigation and all other accused who were arrested are already released on bail.

Having regard to the nature of allegations, which in my view are grave and serious in nature, I am not inclined to grant anticipatory bail to the petitioner. However, the petitioner if so advised shall surrender before the concerned Court and move an application before an appropriate Court for grant of bail after giving notice to the Public Prosecutor, in which event the same shall be dealt with on merits in accordance with law either on the same day or at the earliest.

Accordingly, the Criminal Petition is dismissed.

C. PRAVEEN KUMAR, J

30.03.2015

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