

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 2616 of 2015

ORDER :

The petitioner, who is accused No.1 filed the present Criminal Petition under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.604 of 2014 of Phirangipuram Police Station, Guntur District, registered for the offences punishable under Sections 420 and 406 IPC.

The case of the prosecution as stated in the First Information Report is as under:

The President, Rural Institute for Community Education, lodged a report stating that their society provides paramedical education to students in Physiotherapy, Nursing, Medical Lab Technology courses and offers diplomas. They are also running Emmi School of Nursing, College of Nursing, College of Physiotherapy and College of Medical Lab Technology with a strength of 500 students. Recently they have shifted these institutes to Deenapur, Phirangipuram from Guntur. The transfer of Lab Equipment and records etc. took some time. It is stated that the personal files of students containing original certificates of SSC, Intermediate and Degree besides their Transfer Certificates were in the transit material. These certificates were handed over by students in the administrative office at Guntur at the time of admission. After shifting the colleges to Pirangipuram, they found that some of the employees namely accused Nos.1, 2, T.Sheshu Babu, Ch.Bala Krishna and Srinivas, discontinued their jobs suddenly without giving any reasons. Recently, two ex-students namely Y.Edukondalu and Raja Vikas gave a report in their office stating that erstwhile staff namely accused Nos.1, 2 and T.Seshu Babu, contacted them and offered to deliver their misplaced original certificates on payment of Rs.10,000/- towards SSC, Rs.15,000/- towards Intermediate and a separate amount was also demanded for transfer and conduct certificates. Immediately thereafter, they verified the bundles and found that 350 files of both present and ex-students missing. When the college authorities tried to contact accused No.1, he avoided receiving the phone calls for some time and after much persuasion he came into contact and admitted his guilt. When threatened with lodging of a report, he handed over 100 files of students. Their enquiries further

revealed that all the accused have printed fake TC and CC books which are facsimiles of the Transfer Certificates of the college and they are alleged to have forged the signature of the principal of the college and school. In view of the complaints given by the students and also a threat to commit suicide by one Rohini, the present report came to be lodged.

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

A perusal of the material on record disclose that earlier the petitioner herein filed Criminal Petition No.1198 of 2015 before this Court seeking anticipatory bail, which was dismissed on 06.03.2015. The counsel could not place on record any changed circumstances for entertaining the second anticipatory bail application. However, he tried to contend that his mother, who is aged about 52 years, is un-well and that as he is only son to his mother, his request may be considered. But as seen from the medical certificate dated 17.03.2015, the mother of the petitioner, who is aged about 52 years is suffering with Asthama, Hypertension and Diabetic and she needs prolonged treatment. The said ailments are not so serious which warrants the presence of the petitioner by her side. Hence, the said ground cannot be a new circumstance warranting grant of anticipatory bail under Section 438 Cr.P.C.

Another circumstance relied upon by petitioner is that he has returned all the certificates which were in his possession and the same was acknowledged by the Principal. But as seen from the report some of the certificates were missing while the college was being shifted from Guntur to Deenapur, Phirangipuram. The petitioner and others who resigned immediately after shifting the college, took possession of some of the certificates and started demanding money from the students. Having regard to the circumstances stated above and since there are no changed circumstances from the date of earlier order, wherein the request of the petitioner is rejected, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

01.04.2015

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