

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.9183 of 2015

ORDER:

This criminal petition is filed by the petitioner – Accused under Sections 437 & 439 of Criminal Procedure Code seeking to grant bail in CC No.1 of 1995 on the file of Principal Special Judge for CBI Cases at Hyderabad, for the offences punishable under Sections 409 and 477(a) IPC and 30 (2) read with 13(1)(c) and (d) of the Prevention of Corruption Act.

Heard and perused the material available on record.

The allegation against the petitioner is that he dishonestly and fraudulently misappropriated an amount of Rs.3,74,190/- while he was working in the Syndicate Bank, by corrupt and illegal means.

Learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against him and he was falsely implicated in the case and that the investigation was completed and the charge sheet is also filed and, hence, the petitioner may be released on bail.

On the other hand, learned Public Prosecutor submitted that the petitioner absconded for more than 10 years and in case, the benevolence of the bail provisions is extended to the petitioner, there is every possibility of tampering the proceedings before the trial Court.

As seen from the record it is clear that the CC is of the year 1995. The petitioner absconded for a period of (10) years. He was arrested on 20.08.2015 and was sent to judicial custody. While dismissing the bail application filed by the petitioner, the Court below observed as follows:

“As seen from the record, the petitioner had deliberately absconded knowing full well that a case was registered against him by CBI, Hyderabad. It was also

treated at LPC No.1 of 2000 and now at this stage, he was produced under arrest by executing NBW by the respondent / CBI on 21.08.2015 before this Court, when he was remanded to judicial custody till 04.09.2015. From the beginning, petitioner did not appear before this Court and even at the stage of cognizance itself NBW was issued against him.”

Considering the facts and circumstances of the case and in view of the submission made by the learned Public Prosecutor, this Court is of the view that the petitioner is not entitled for the benevolence of the bail provisions till conclusion of the trial before the trial Court. Hence, this Court is not inclined to grant bail to the petitioner.

Accordingly, the Criminal Petition is dismissed.

RAJA ELANGO, J

September 21, 2015.

KTL