HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADE
FRIDAY , THE SIXTH DAY OF MARCH
TWO THOUSAND AND FIFTEEN

:PRESENT:
THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR
CRLP .NO:1159 & 1198 of 2015

CRLP .NO:1159 of 2015
Between:
S.Gopi Kannan S/o Surulivel,

..... Petitioner/ Accused No. 2

AND

The State of A.P. hrough Public Prosecutor, High Court, through S.H.O, Pattabhipuram P.S, Guntur, Guntur District.

.....Respondent/ Complainant

Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be **pleased to grant anticipatory bail to the petitioner/accused No.2 directing the concerned to enlarge him on bail in the event of arrest by the Respondent in relation to the Crime No.604/ 2014 of SHO, Pattabhipuram, Guntur .**

The petition coming on for hearing upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of **SRI A V L S PRAKASH Advocate** for the Petitioner and of the Public Prosecutor (A.P) for the Respondent,

CRLP .NO: 1198 of 2015:-
Between:
Shaik Rannu Hussain @ Shaik Hussain S/o Shaik Khasim Saidha

..... Petitioner/ Accused No. 1

AND

The State of A.P. hrough Public Prosecutor, High Court, through S.H.O, Pattabhipuram P.S, Guntur, Guntur District.

.....Respondent/ Complainant

Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be **pleased to grant anticipatory bail to the petitioner/accused No.1 in Crime No.604/ 2014 on the file of the P.S. Pattabhipuram, Guntur, Guntur District.**

The petition coming on for hearing upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of **Sri T. Sudhakar Reddy Advocate** for the Petitioner and of the

Public Prosecutor (A.P) for the Respondent, the Court made the following

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COMMON ORDER :

These two Criminal Petitions are filed by accused Nos.2 and 1 respectively, under Section 438 Cr.P.C. seeking release in the event of their arrest in connection with Crime No.604 of 2014 of Pattabhipuram 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 Physiotheraphy, Nursing, Medical Lab Technology courses and offers diplomas. They are also running Emmi School of Nursing, College of Nursing, College of Physiotheraphy and College of Medical Lab Technology with a strength of 500 students. Recently they have shifted these institutes to Deenapur, Pattabhipuram from Guntur. The transfer of Lab Equipment and records etc. too 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 Pattabhipuram, 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 their bundles and found that 350 files of both present and ex-students were found missing. When the college authorities contacted accused No.1, accused No.1 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 got printed fake TC and CC books which are facsimiles of the Transfer Certificates of the college and they are also 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 petitioners and learned Public Prosecutor appearing for the respondent-State.

Learned counsel appearing for the petitioners in both the petitions contended that even accepting the allegations in the report to be true no offence is made out against them. According to them, the present report came to be lodged when they insisted for payment of back wages and salary. It is further stated that the complaints about missing of files are said to have been given by old student, which appears to be improper, for the reason that the students while leaving the college, they shall take away their certificates. So the question of they demanding for the certificates after they leaving the college would not arise.

Learned Public Prosecutor submits that the statements of the students recorded by the police during the course of investigation reveal the complicity of accused No.1 in the commission of offence. According to him, though allegations of forgery and creation of documents are alleged in the report but the said issue is still under investigation.

A perusal of the statements of LWs.2 and 3, who are the Ex-students of the college would show that they joined the college in the year 2007 and studied B.Sc. (M.L.T.) till 2010. As LW.2 could not clear the first year course he left the college in the middle. After leaving the college, he is alleged to gone to college for return of original certificates. At that time, accused No.1 who was working as P.R.O. in the college, is alleged to have demanded Rs.30,000/- as fees for return of the original documents. When informed that the District Collector has ordered for return of the originals free of cost in a case of suicide attempt made by one student, accused No.1 is alleged to have informed him that he would contact the management and then get back. After consulting the management, accused No.1 is alleged to have told to LW.2 that the management is also insisting for payment of the fees. Later on he is alleged to have told LW.2 that he has handed over the certificates to one Sunitha, who is working in the said college. At that point of time, the college got shifted from Guntur to Pattabhipuram. When LW.2 was continuously in touch with P.R.O. (accused No.1), he started bargaining and ultimately he is alleged to have agreed to return the certificates on payment of Rs.10,000/-. On one particular day, LW.2 handed over Rs.10,000/- and took the certificates but immediately accused No.1 is alleged to have taken the certificates forcibly and handed over Rs.10,000/- to LW.2. Thereafter, LW.2 contacted the college, who were shocked about the collection of amount from the students. Their enquiries revealed that some certificates were missing from the college. The said version of LW.2 is also supported by LW.3, who was also a student doing the Course of Lab Technician in the said college. LW.4, who is administrative officer of the college spoke about the complaints received from the students and their enquiry revealing missing of the certificates. From the statements of LWs.2 to 4, it is clear that it was accused No.1, who was demanding money from the students for return of the original certificates. Therefore, it cannot be said that no offence is made out against him. The counsel for accused No.1 argued that a false case has been foisted when he demanded for payment of

arrears of salary. In support of the same, he placed on record his resignation letter dated 30.08.2013. But the said letter though states that the college is due salary of seven months and that he is quitting the job due to financial and family problems, the same does not contain any acknowledgment of receipt by the college. Hence, I am not inclined to give any importance to the said letter. In view of the above, I am not inclined to grant anticipatory bail to accused No.1. However, accused No.1 if so advised shall appear before the concerned Court and move an application 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 at the earliest.

Insofar as accused No.2 is concerned, as seen from the statements of the witnesses none of them specifically refer to the role of accused No.2 in demanding money for return of original certificates. Accused No.2 stands on the same footing as that of accused No.4, who was granted anticipatory bail by this Court in Crl.P.No.15311 of 2014. Though in the complaint it is mentioned that accused Nos.1 to 3 demanded money for return of the certificates, but the statements of witnesses produced before the Court by the Public Prosecutor disclose the role of accused No.1 only in demanding money for return of documents. Hence, the request of accused No.2 can be considered on certain terms and conditions.

Accordingly, Criminal Petition No.1198 of 2015 is dismissed and Criminal Petition No.1159 of 2015 is allowed. The petitioner/accused No.2 in Criminal Petition No.1159 of 2015 is directed to surrender himself before the Station House Officer, Pattabhipuram Police Station, Guntur District, within a period of fifteen days from today and on such appearance, he shall be released on bail on his executing personal bond for Rs.10,000/- (Rupees Ten thousand only) with two sureties for a like sum each to the satisfaction of the same Station House Officer and on a further condition that he shall report before the Station House Officer, Pattabhipuram Police Station, on every Saturday between 10.00

a.m. and 5.00 p.m. for a period of four weeks or till filing of charge sheet whichever is earlier.

Sd/- N.PURUSHOTHAM REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To:-

1. The Principal Sessions Judge, Guntur , Guntur District.
2. The Station House Officer, Pattabhipuram, Guntur, Guntur District.
3. One C.C. to Sri A V L S PRAKASH, Advocate (OPUC).
4. One C.C. to Sri Sri T. Sudhakar Reddy, Advocate (OPUC).
5. Two C.Cs. to **Public Prosecutor (A.P.), High Court at Hyderabad (OUT).**
6. One spare copy.

Ags

Note:- In the Order the Police Station name is corrected as "Pattabhipuram, in place of "Pirangipuram" wherever it occurs as per order of the Court dt.09.04.2015 made in CRLPMP No.3357 of 2015. Substitute this amended order in place of previous order which was already dispatched on 09/03/2015.

Sd/- N.PURUSHOTHAM REDDY
ASSISTANT REGISTRAR

HIGH COURT

CPK J

Dt: 06/03/2015
09/04/2015

AMMENDED ORDER:

CRL.P. NO. 1159 & 1198 of 2015

BAIL

AGS
Dt: 09/03/2015.

HIGH COURT

CPK J

Dt: 06/03/2015
09/04/2015

AMMENDED ORDER:

CRL.P. NO. 1159 & 1198 of 2015

BAIL