THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION NO.11969 of 2015

ORDER :

The petitioner, who is A4 in Crime No.35 of 2014 of Kakinada III Town Police Station, East Godavari District, filed the present application under Section 438 Cr.P.C. seeking release in the event of her arrest in connection with the above crime registered for the offences punishable under Sections 468, 471, 477 and 409 read with Section 34 of IPC.

The case of the prosecution is that the administrative officer, Collector's Office, East Godavari, Kakinada lodged a report stating that pursuant to the recommendations of NSS, Tahsildar with regard to tampering of records with a malafide intention to misappropriate Government funds at Collectorate, Kakinada, the Collector, East Godavari appointed Joint Collector, East Godavari, Kakinada, enquired into the matter and submitted a detail report. It is stated that the Joint Collector conducted a meeting with the Superintendents of Post Offices in East Godavari District on 19.01.2013 in which the Postmasters, Sub-Postmasters etc., have attended the said meeting and received instructions regarding the verification of NSC business certificates available in concerned NSC Cell which were given by the respective agents for detecting fake business certificates in the matter. As per the instructions of the Joint Collector, Kakinada, the postmasters have attended the Collector's office and detected fake business certificates and incorrect business amounts. As per the statements given by the postal department people, the bogus NSC Certificates were to a tune of Rs.97 lakhs. It is further stated that the Postmaster, Yeleswaram attended the verification work relating to Yeleswaram post office and verified some certificates and refused to sign on certain certificates. When questioned, he answered that a bogus business done through their post office for an amount of Rs.53 lakhs which is not having any proof to write the remarks on the business certificates available in Collectorate, Kakinada. He further informed that the business done to the tune of Rs.53 lakhs was found to be bogus and the postal departmental authorities seized the records.

Learned counsel for the petitioner mainly submits that it was the brother-in-law of the petitioner who took license on behalf of the petitioner with regard to recurring deposits and that the petitioner has nothing to do with the acts committed by her brother-in-law, who obtained license using the name of the petitioner.

Learned public prosecutor opposed the application contending that earlier a letter is said to have been given by the brother-in-law of the petitioner to the District Collector informing about recovery of excess amount and the same is invented only to obtain the relief.

From a perusal of the material on record, it is clear that the petitioner along with another accused are NSC agents, who submitted fake business certificates to a tune of Rs.96 lakhs and drawn incentive amounts from the Government, thereby causing huge loss to the Government.

Since the allegations in the report *prima facie* constitutes offences alleged and the involvement of the petitioner stands *prima facie* established, as she being an NSC agent, her request for anticipatory bail cannot be considered. Accordingly, the Criminal Petition is dismissed.

However, it is always open to the petitioner to surrender concerned Court and move an application for grant of bail before appropriate Court after giving prior notice to the Public Prosecutor, in which event the same shall be dealt with in accordance with law at the earliest.

JUSTICE C. PRAVEEN KUMAR

18.02.2016
vhb