

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.11303 of 2016

ORDER :

The petitioner, who is accused No.2, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.31 of 2016 of Vangara Police Station, Srikakulam District, registered for the offences punishable under Sections 420, 403, 409, 471 and 109 read with 34 IPC.

The case of the prosecution is that the petitioner and others, who were elected by PACS, Sivvam Village for the purpose of sanction of loans to the members and supply the fertilizers to the farmers of the P.A.C.S. consisting in Sivvam Village, Vangara Mandal, misappropriated funds of P.A.C.S. and sanctioned loans on fake documents. Basing on these allegations the above case came to be registered.

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

Learned counsel for the petitioner mainly relied upon the medical certificate issued by Heart Care Centre, Visakhapatnam for the purpose of granting anticipatory bail. He further submits that since the other accused were granted regular bail, the petitioner is entitled for anticipatory bail. The same is opposed by the learned Public Prosecutor.

Though the learned counsel for the petitioner tried

to contend that the police authorities have not complied with Section 41 of Cr.P.C., but it is to be noted that one of the offences alleged against the petitioner is under Section 409 IPC which is punishable with imprisonment for life or imprisonment for ten years and fine. Hence, the complaint of the petitioner that the police have not complied with Section 41 Cr.P.C. cannot be accepted. Since other accused were granted regular bail and as the petitioner stands on the same footing as that of other accused, the petitioner, if so advised, shall surrender before the Court concerned and make an application for regular bail, in which event, the same shall be considered in accordance with law at the earliest.

With the above direction, the Criminal Petition is disposed of.

C. PRAVEEN KUMAR, J

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