

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION Nos.9568 AND 9569 OF 2017

COMMON ORDER:

These Criminal Petitions are filed by the petitioners-A.1 and A.2 under Section 438 of Cr.P.C. to grant them anticipatory bail in Crime No.197 of 2017 of Tandur Town Police Station, Vikarabad District, registered for the offences punishable under Sections 409 and 420 I.P.C.

2. Heard Sri Vedula Venkata Ramana, learned senior counsel representing M/s. Bharadwaj Associates, for the petitioners-A.1 and A.2, and the learned Additional Public Prosecutor appearing for the respondent-State, apart from perusing the material available on record.

3. The learned senior counsel for the petitioners-A.1 and A.2 would submit that there is no basis to allege that the petitioners-A.1 and A.2 misappropriated any amount relating to distribution of pensions in "Aasara Pension Scheme"; the allegations leveled in the first information report are totally false; the petitioners are law abiding citizens and they are ready to cooperate with the investigation, as and required; before a crime is registered, the investigating officer has to find out whether there is commission of offence or not; there are no reasons to suspect the petitioners-A.1 and A.2; the petitioners are Government servants, if they are arrested and remanded to judicial custody for more than 48 hours,

they are liable for suspension; ultimately, prayed to allow the bail applications.

4. On the other hand, learned Additional Public Prosecutor appearing for the respondent-State opposed the grant of bail to the petitioners-A.1 and A.2 under Section 438 Cr.P.C.

5. The material available on record reveals that the Commissioner of Tandur Municipality made a report on 03.10.2017 stating that an amount of Rs.141.11 lakhs relating to "Aasara Pension Scheme" was misappropriated by the petitioners-A.1 and A.2, who were the then Municipal Commissioner and the Accountant, respectively, during December, 2014 to May, 2015. An enquiry was also conducted by the Additional Project Director-II, DRDA, Ranga Reddy District. The same was submitted to the District Collector. Disciplinary action was also initiated against the petitioners-A.1 and A.2. Thereafter, a report was lodged. Learned senior counsel for the petitioners would submit that the petitioners-A.1 and A.2 were discharging their duties as per the resolutions passed by the Municipal Committee. As per the record placed before the Court, no resolution of the Committee is required. The Municipal Commissioner has to select the beneficiaries and thereafter, the amounts are required to be disbursed under the scheme. Firstly, the amounts were credited to the account of the Municipal Commissioner, then he has to disburse the amounts as per the regulations. As per the record placed, ineligible persons were selected and an amount of Rs.141.11 lakhs was distributed.

None of the Bill Collector submitted enquiry reports as required, before amounts are disbursed. The entire work was carried out by the petitioners-A.1 and A.2. The amounts were also not distributed as per the regulations. The amount involving in this case is Rs.141.11 lakhs, it is a huge amount. There is direct involvement of these petitioners-A.1 and A.2 in misappropriating the amount. Under these circumstances, it is not a fit case to allow these applications under Section 438 Cr.P.C.

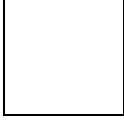
6. In the result, both the Criminal Petitions are dismissed. As a sequel, miscellaneous petitions, if any, pending in these Criminal Petitions shall also stand dismissed.

Date: 14-11-2017.
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Dr. SHAMEEM AKTHER, J

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