

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition No.3696 of 2017

ORDER:

Accused No.2 petitioned to grant pre-arrest bail in Crime No.144 of 2017 of Rajahmundry III Town P.S, Rajamahendravaram Urban District, in which he and A.1 allegedly committed offences under Sec.420, 406, 409 r/w 34 IPC.

2) On the complaint lodged by Divisional Panchayat Officer, Rajamahendravaram stating that G.Satya Prasad (A.1)—the Panchayat Secretary, Katheru and P.G.Rama Krishna (petitioner/A.2)—the former Panchayat Special Officer, Katheru have misappropriated funds of the Panchayat to a tune of Rs.1,10,30,015/-, the police registered the aforesaid crime and investigation is reported to be pending.

3) It is informed to the Court that the petitioner/A.2 is placed under suspension.

4) Denying the allegations, bail is pleaded mainly on the submission that the enquiry officer submitted his report as if the accused have misappropriated the funds basing on partial record as on the date of his inspection, the petitioner/A.1—the Panchayat Secretary was not available and hence the vouchers, bills and accounts' particulars pertaining to the funds received by the Panchayat Secretary could not be submitted to him and therefore, the conclusion arrived at by the Enquiry Officer was erroneous one. The above said fact was brought to the notice

of the Panchayatraj Commissioner by the petitioner/A.2 by letters dated 20.03.2017 and that there was not even a slightest misappropriation of the funds. However, without considering his explanation and submission, the Divisional Panchayat Officer complained to the police on 28.03.2017 and therefore, the complaint is a misguided one.

5) Learned Addl. Public Prosecutor stridently opposed the bail petition stating that the funds of the Panchayat were misappropriated by the accused on a large scale without disbursing the salaries to the staff and expending in a proper manner and therefore, the Divisional Panchayat Officer lodged a complaint with the police and investigation is in the crucial stage. He would submit that the explanation offered was a belated one and an afterthought which is bereft of truth. He submitted that if granted bail, the accused may interfere with investigation and try to tamper with the evidence, in which case, it would be difficult for the I.O to unearth the true facts. He thus prayed to dismiss the petition.

6) The material papers filed along with the petition would show, the petitioner/A.2 submitted an explanation dated 20.03.2017 wherein no doubt he mentioned that the bills and vouchers relating to the utilization of the panchayat funds were held up with Panchayat Secretary and therefore, on the date of inspection they could not be furnished. In his explanation, petitioner/A.2 apparently gave details for the different amounts received and spent by the Panchayat. It is true that the complaint was lodged one week after the above explanation. It is to be noted that *prima facie* it cannot be inferred that the higher officials have

not considered the explanation offered by him. The detailed explanation needs an in-depth verification to exhume the truth as to whether funds were defalcated and accounts were fudged. As the matter stands, it is a case of misappropriation of the public funds on a large scale and as rightly submitted by learned Addl. Public Prosecutor, the investigation is still pending and not completed.

7) Therefore, it is not apposite to grant anticipatory bail. However, the petitioner is directed to surrender before the concerned Court and seek for regular bail in which case, the said Court shall dispose of his application on merits on the same day.

Date: 20.06.2017
scs

U. DURGA PRASAD RAO, J

