HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRL.P.No.232 OF 2017

ORDER:

This criminal petition is filed under Section 438 of Cr.P.C to grant pre-arrest bail in Crime No.630 of 2016 of Penamaluru Police Station, Vijayawada, Krishna District, registered for the offence punishable under Section 420 IPC.

The case of the prosecution, in brief, is that on 28.10.2016 the *de facto* complainant lodged a complaint alleging that on 05.10.2015 the petitioner obtained Aadhar Card, Ration Card, Voter Card and photos from him and his wife obtained signatures on the loan application and other documents to arrange loan under S.C category. Thereafter, the petitioner was transferred to some other place. After due enquiry, the complainant came to know that the alleged loan was utilised by the petitioner for his purposes by withdrawing an amount of Rs.50,000/- out of loan of Rs.2,50,000/-. Thus, the petitioner, who is working as sweeper in the bank, allegedly cheated the *de facto* complainant by obtaining certain signatures on papers including Aadhar Card, Ration Card, Voter Card and photos.

The main contention of the petitioner is that he is only a sweeper and it is impossible to him to commit such an offence by making such false promise to arrange loan to any one and that the complainant falsely foisted case against him and that there is no scope for tampering any evidence in the event of his enlargement on bail since he was already transferred from that place to another place.

Learned Additional Public Prosecutor contended that some other bank employees also involved in such scam of arranging loans and obtaining signatures from various persons and still enquiry is going on and apprehended that there is every possibility of tampering with the evidence.

Undisputedly, the petitioner is working as an employee in the bank as sweeper and had acquaintance with the *de facto* complainant. The allegation is that he promised to arrange loan and obtained copies of Aadhar Card etc under SC category, but utilised those documents and got sanctioned loan and mis-utilised the amount by the petitioner himself being an employee working in the bank. Normally, it is difficult for the sweeper to create such transactions, but there may be some involvement of other employees. However, the material on record clearly shows that the petitioner is a kingpin, who is responsible for the entire episode of arranging loan and drawing amount from the account himself. The petitioner being an employee, who allegedly managed the other employees in the bank and the transaction suspecting involvement of other employees, there is every possibility of interfering with the investigation by tampering with records available in the bank since there is suspicion about involvement of the other employees working in the bank.

Therefore, I find that it is not a fit case to grant bail to the petitioner.

Accordingly, the criminal petition is dismissed.

Pending miscellaneous petitions in the petition, if any, shall stand closed.

M.SATYANARAYANA MURTHY,J

27.01.2017
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