

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9324 OF 2017

ORDER:

This petition is filed by the petitioner-accused No.1, under Section 438 Cr.P.C., to grant pre arrest bail in Crime No.444 of 2017 on the file of the Station House Officer, S.N.Puram Police Station, Vijayawada, registered for the offences punishable under Sections 467, 406, 468 read with 34 of IPC.

2. The learned counsel for the petitioner submitted that the petitioner was falsely implicated in this case taking advantage that his daughter-in-law is a stamp vendor. He further submitted that nothing was seized from the possession of the petitioner; therefore, it is a fit case to grant pre arrest bail to the petitioner. *Per contra*, the learned Additional Public Prosecutor representing the State submitted that the petitioner, who is father-in-law of accused No.2, is selling non-judicial stamp papers in the name of A.Dasamantha Rao, a stamp vendor of Gudivada, who is no more. He further submitted that the allegations made in the complaint *ex facie* constitute the offences alleged to have been committed by the petitioner.

3. The case of the prosecution is that the petitioner, taking advantage of avocation of his daughter-in-law by name Vakkalagadda Gayatri (A.2), the petitioner collected the old non-judicial stamps unauthorisedly. The further case is that the petitioner is selling the stamp papers with ante dates in the name of A.Dasamantha Rao, who is no more. The further case is that

the petitioner is changing the serial number of the non-judicial stamp papers so as to create an impression that those stamps were sold in the Office of the Sub-Registrar, Gudivada.

4. The petitioner filed CrI.M.P.No.1323 of 2017 on the file of the Mahila Court, Vijayawada, under Section 438 of Cr.P.C., and the same was dismissed on 13.9.2017.

5. As per the recitals of Panchanama, the petitioner is residing in the house bearing No.26-3-5, Gandhi Nagar, Vijayawada. Whether the said house stands in the name of the petitioner or his daughter-in-law will come to light during the course of investigation. The facts remains that the old non-judicial stamp papers worth Rs.1,97,580/- were seized from the said house along with the stamps in the name of A.Dasamantha Rao of Gudivada. A perusal of the record *prima facie* reveals the role played by the petitioner in the commission of the offence. The record further reveals that the investigation is in progress.

6. Having regard to the facts and circumstances, this Court is of the considered view that it is not a fit case to grant pre-arrest bail to the petitioner.

7. Accordingly, the criminal petition is dismissed.

T. SUNIL CHOWDARY, J

Date: 24.10.2017
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