

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.558 OF 2017

ORDER:

This Criminal Petition is filed by the petitioner under Section 438 of Cr.P.C. to enlarge them on bail in Crime No.85 of 2016 of Kotapally Police Station, Adilabad District, registered for the alleged offences punishable under Sections 406, 419 and 420 of I.P.C., apprehending his arrest.

Petitioner herein is A.1 in the above crime.

The case of the prosecution, in brief, is as follows: The defacto complainant has purchased plot admeasuring 160 sq.yards at Baharpet, Parigi (V&M) Ranga Reddy District from one G.Koteswararao and G.Babji in the year 2004. One Mr.K.Jagadeswar Reddy of Parigi village to grab the said plot, fabricated fake documents and also abused the defacto complainant in the name of his caste. In this regard three cases are filed by defacto complainant vide Cr.No.252 of 2013 for the offences punishable under Sections 3(1)(iv) of SC/ST POA Act, Cr.No.161 of 2014 for the offences punishable under Sections 420, 415, 463, 464, 471, 472 of IPC and Cr.No.165 of 2014 for the offences punishable under Sections under Section 560 of I.P.C. and 3 (i)(x) of SC/ST POA were registered against the said K.Jagadeeshwar Reddy, out of which, one Cr.No.165 of 2014 was referred as false on 31-12-2014. As Local Police are not taking any further action against the said Jagadeeshwar Reddy, the defacto complainant requested one Reddanna (Accused No.2) to

help him in this issue. The said Reddanna informed the defacto complainant that he knows one DIG at CID office and another official namely Krishnakanth (petitioner herein) of CID and they will help him to get possession of his plot and petitioner had demanded money to help the defacto complainant, accordingly he paid total amount of Rs.39,000/- out of which he paid Rs.14,000/- before P.Ananda Kumar and Rs.14,000/- and delivered three blank signed white papers through his relative Prabhakar and Rs.10,000/- by depositing the amount through K.Mohan son-in-law of the defacto complainant to the credit of the account number given by Krishnakanth, and Rs.10,000/- in the presence of one G.Kotesawar Rao at Mehidipatnam Bus stop, the said Krishnakanth posing himself as CID officer made him to believe and took money from him saying that he will help him for getting possession of the plot and after collecting an amount of Rs.38,000/-, he started avoiding his phone calls. Thus, he committed the offences punishable under Sections 406, 419 and 420 of I.P.C. referred above.

The present petition is filed on the ground that there is no direct evidence to conclude that the petitioners committed the alleged offences. The amount allegedly deposited was not to the credit of account of petitioner and depositing of amount to the credit of any account nothing to do with the petitioner, therefore, he is not responsible for the alleged offence and thereby, petitioners are entitled to be released on bail in the

event of arrest in the above crime and prayed to direct the Station House Officer, Parigi Ranga Reddy District to release the petitioner on bail in connection with the crime in the event of his arrest.

The learned Public Prosecutor for the State of Telangana fairly submitted that account number do not pertain to the petitioner and the amount was credited to the account only at the request of the petitioner and in turn, the amount was transferred to the account of the petitioners, that apart, he received huge amount. In such a case, petition is liable to be dismissed.

Bare look at the material available on record, the defacto complaint lodged a complaint against the petitioners and others for various offences, including serious offences punishable under the provisions of Sections SC and ST (POA.) But Crime No.165 of 2014 has been referred as false on 31-12-2014. Other cases are pending and no action has been taken by the police, therefore, he approached the said Reddanna to extend his help in completing investigation through a known person, thereby the said Reddanna promised to help him and informed that he knows one DIG at CID office, and other officers of C.I.D.

office, and they will help him and accordingly, he made him to part with huge amount.

Taking into consideration of the facts and circumstances of the case, the petitioners cannot be enlarged on bail in the event of their arrest, as there is material, *prima facie*, committing such offence in the name of official of reputed department to investigate the crimes at central level is serious offence against the society at large, hence, it is difficult to conclude that there is no material against the petitioners, therefore, I find no ground to grant bail to the petitioners in the event of their arrest and direct the Station House Officer to release the petitioners on bail in the event of their pre-arrest bail.

In the result, this Criminal Petition is dismissed.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

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JUSTICE M.SATYANARAYANA MURTHY

Dated 13-2-2017.

Dvs.

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY



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Dated 13-2-2017

Dvs