

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11283 OF 2017

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner-accused in Crime No.236 of 2017 of Dwaraka Police Station, Visakhapatnam, registered for the offences punishable under Sections 419, 420, 468, 471 I.P.C.

Heard the learned counsel for the petitioner-accused and the learned Additional Public Prosecutor appearing for the respondent-State, apart from perusing the material available on record.

Learned counsel for the petitioner-accused would submit that the petitioner is innocent person and falsely implicated in this case; and ultimately, prayed to direct the Station House Officer concerned to issue notice to the petitioner-accused under Section 41-A Cr.P.C. to complete the investigation.

As per the submissions made by both sides, an amount of Rs.86,00,000/- said to have been fraudulently withdrawn by this petitioner-accused, in the names of deceased pensioners. Altogether, four criminal cases are registered against the petitioner and under investigation. The allegations are grave in nature. The matter requires examination. Under these circumstances, it is not a fit case to grant bail to the petitioner-accused under Section 438 Cr.P.C. It is made clear that it is for the investigating officer to choose whether notice under Section 41A Cr.P.C. is to be issued or not. The release of the petitioner on bail under Section 438 Cr.P.C.

would hinder the investigation. There will be manipulation of records as well as disappearance of evidence.

Therefore, this Criminal Petition is dismissed. As a sequel, miscellaneous petitions, if any, pending in this Criminal Petition shall also stand dismissed.

Dr. SHAMEEM AKTHER, J

Date: 28-11-2017.

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