

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WEDNESDAY, THE TWENTY NINTH DAY OF NOVEMBER,
TWO THOUSAND AND SEVENTEEN

PRESENT

THE HON'BLE DR JUSTICE SHAMEEM AKTHER

CRL.P.Nos. 10557, 10610 & 10611 of 2017

CRL.P.No.10557/2017

Between:

Shaik Rafi @ Sk. Rafi (as shown in FIR) S/o. Peer Saheb

Petitioner /ACcsued No.18

AND

The State of A.P., Rep. by its Public Prosecutor, High court of judicature at Hyderabad for the Stgate of Telangana and the State of A.P.

Respondent/Complainant

Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to direct the Station House Officer, Duttaluru Police Station, SPSR Nellore District, to release the petitioner / Accused No.18 on bail in the event of his arrest in connection with in Crime No.60 of 2017 of Duttaluru Police Station, SPSR Nellore District.

CRL.P.No.10610/2017

Between:

K. Srinivasulu, S/o. Ramulu

Petitioner /Accuse No.19

AND

The State of Andhra Pradesh, rep. by Public Prosecutor, High Court of Judicature at Hyderabad, For the State of Telangana and the State of A.P.

Respondent/Complainant

Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to direct the Station House Officer, Duttaluru Police Station, SPSR Nellore District to release the petitioner/Accused No.19 on bail in the event of his arrest in connection with in Crime No. 60 of 2017 of Duttaluru Police Station, SPSR Nellore District.

CRL.P.No.10611/2017

Between:

Sri G. Venkateswarlu, S/o. Venkata Subba Reddy

Petitioner/Accuse No.1

AND

The State of Andhra Pradesh rep. by Public Prosecutor, High Court of Judicature at Hyderabad, For the State of Telangana and the State of A.P.

Respondent/Complainant

Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to direct the Station House Officer, Duttaluru Police Station, SPSR Nellore District. to release the petitioner/ Accused No.1 on bail in the event of his arrest in connection with in Crime No. 60 of 2017 of Duttaluru Police Station, SPSR Nellore District.

COUNSEL FOR THE PETITIONER: SRI VENKAT RAO RAVULAPALLI
IN ALL PETITIONS

COUNSEL FOR THE RESPONDENT : THE PUBLIC PROSECUTOR (TG)
IN ALL PETITIONS

The Court made the following Order:

These Criminal Petitions, under Section 438 of Cr.P.C., are separately filed by the petitioners/A.18, A.19 and A.1, seeking anticipatory bail in the event of their arrest in connection with F.I.R. No.60 of 2017, on the file of Duttaluru Police Station, S.P.S.R. Nellore District, registered for the offences under Sections 420, 409, 120-B R/w.34 of I.P.C.

Heard the learned counsel for the petitioners/A.18, A.19 and A.1, learned Additional Public Prosecutor appearing for the respondent-State, and perused the record.

Learned counsel for the petitioners would submit that the petitioners are falsely implicated in this case; they have not manipulated any books of accounts, neither made any false entries nor prepared any false records in claiming the amount from the Government under Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) and a false report was lodged against the petitioners. Writ Petition No.28828 of 2017 filed by the petitioner/A.1 seeking to set-aside his termination proceedings dated 26.07.2017 was allowed by this Court on 08.09.2017. Similarly, Writ Petition Nos.31390 and 31382 of 2017 filed by the Petitioners/A.18 and A.19, seeking to set-aside their termination proceedings dated 26.07.2017, were disposed of by this Court on 08.09.2017 directing to maintain *status-quo* till disposal of their appeals. The Police personnel are making efforts to arrest the petitioners they filed the instant Petitions.

Learned Additional Public prosecutor appearing for the respondent-State opposed grant of bail to the petitioners and also filed counters in these Petitions.

The material on record reveals that the petitioner/A.1 is working as Engineering Consultant, the petitioner/A.18 is working as Computer Operator and the petitioner/A.19 is working as Technical Assistant under MGNREGS. There is record to show that the petitioner/A.18, while working as Computer Operator, entrusted with the duty to verify the entries and approvals made by his higher authorities in the Measurements Book, without there being proper entries and approvals, updated the data in connection with the payments of labour working under MGNREGS, jumbled the amounts and thereby misappropriated the amount to a tune of Rs.82,795/-. As far as the petitioner/A.1 is concerned, while working as Engineering Consultant, entrusted with the duty to verify the real time works with the entries of the M-Book and work completed with the value of the work mentioned in M-Book and approve the same, without following the rules approved the wrong estimates and misappropriated the amount to a tune of Rs.65,95,932/-. Similarly, the petitioner/A.19 while working as Technical Assistant duty-bound to physically verify the completion of work and attendance of the labour, made wrong entries in the M-Book without verifying the attendance of labour and completion of work physically, improperly estimated the work and misappropriated the amount to a tune of Rs.83,82,576/-.

The allegations made against the petitioners/A.1 and A.19 are grave. Pendency of their appeals, before the authorities concerned, has nothing to do with the proposed prosecution. If the petitioners/A.1 and A.19 are released on bail, it would hinder the investigation process. Further, there is possibility of their manipulating the records and winning over the witnesses. Therefore, it is not a fit case to enlarge the petitioners/A.1 and A.19 on bail under Section 438 Cr.P.C. and, hence the Criminal Petition Nos.10610 and 10611 of 2017 filed by the petitioners/A.19 and A.1 are dismissed.

In view of the nature of allegations against the petitioner/A.18 and the quantum of amount alleged to have been misappropriated by him, the truth or otherwise of such allegations can be decided only after due trial. Under these circumstances, the petitioner/A.18 can be enlarged on bail on some conditions. Accordingly, the petitioner/A.18 is directed to surrender himself before the Station House Officer, Duttaluru Police Station, S.P.S.R. Nellore District, within 15 days from the date of this order and on such surrender, he shall be released on bail, on his executing a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum each to his satisfaction. On release, the petitioner/A.18 shall attend before the said Station House Officer, on every Sunday between 09:00 a.m. and 10:00 a.m. till filing of charge sheet. Further, the petitioner/A.18 is directed to abide by the conditions mentioned under Section 438(2) Cr.P.C. and shall co-operate with the Investigation Officers.

Accordingly, with the above directions, the Criminal Petition No.10557 of 2017 is allowed.

In consequence, miscellaneous petitions, if any, pending in these Criminal Petitions shall stand closed.

ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

1. The Station House Officer, Duttaluru Police Station, SPSR Nellore District.
2. Two CCs to Public Prosecutor (TG), High Court, Hyderabad (OUT)
3. One CC to Sri Venkat Rao Ravulapalli, Advocate (OPUC)
4. One Spare copy

KK

HIGH COURT

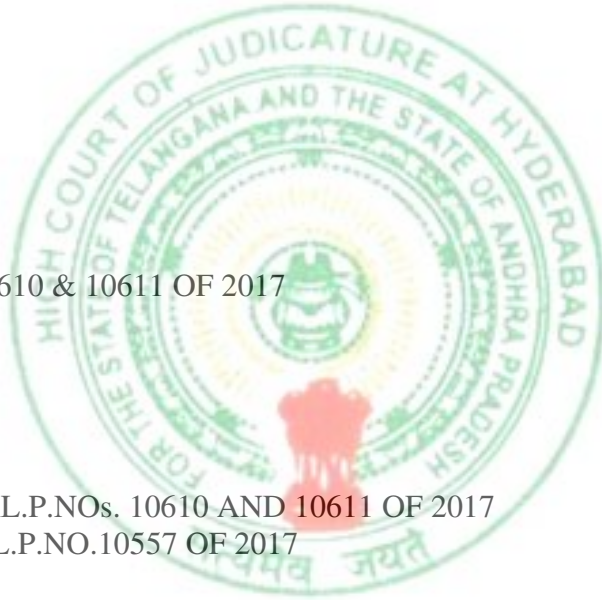
Dr.SAJ

DT. 29-11-2017

BAIL ORDER

CRL.P.NOs. 10557, 10610 & 10611 OF 2017

DISMISSING THE CRL.P.NOs. 10610 AND 10611 OF 2017
ALLOWING THE CRL.P.NO.10557 OF 2017



Drafted by: KK
Drafted on: 4-12-2017

HIGH COURT

Dr.SAJ



DT. 29-11-2017

BAIL ORDER

CRL.P.NOs. 10557, 10610 & 10611 OF 2017

DISMISSING THE CRL.P.NOs. 10610 AND 10611 OF 2017
ALLOWING THE CRL.P.NO.10557 OF 2017