

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11443 OF 2017

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed by the petitioner/accused No.1 for grant of anticipatory bail in the event of his arrest in connection with Crime No.355 of 2017 of Narayanguda Police Station, Hyderabad City, registered for the offences punishable under Sections 420, 406, 468 and 471 I.P.C.

2. Heard learned counsel for the petitioner/accused No.1, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. Learned counsel for the petitioner would submit that the petitioner has not submitted the subject fake certificate. Petitioner has submitted his original Caste Certificate in the course of selection process. The allegation that the petitioner has Caste Certificate said to have issued by the Tahsildar, Himayatnagar, is absolutely false. The original Caste Certificate filed by the petitioner was issued by the Tahsildar, Zarugumilli. The petitioner would not benefit either way, as he has Caste Certificate issued by the Tahsildar, Zarugumilli. Further, there is no need to the petitioner to file a false Caste Certificate issued by the Tahsildar, Himayatnagar, and ultimately, prayed to allow the application.

4. Learned Additional Public Prosecutor opposed the grant of bail to the petitioner/accused No.1.

5. The material on record reveals that the petitioner has participated in the process of selection of Police Constables vide notification Rc.No.151/Rect./Admn.1/2015, dated 31.12.2015, of the Chairman, TSLPRB, Hyderabad. There is no doubt that the petitioner has applied for the post of Constable pursuant to the above notification. The dispute is only with regard to the submission of Community and Date of Birth Certificate issued by the Tahsildar, Himayatnagar. When the aforesaid Certificate was verified with the Tahsildar, Himayatnagar, the Tahsildar clearly stated that the petitioner herein made an online application on 18.01.2016 for issue of Community and Date of Birth Certificate. The same was rejected based on the remarks of the VRO that the petitioner's address comes under other Mandal. It is also stated that the Caste Certificate produced by the petitioner before the police authorities is not genuine.

6. There is no reason for the officials, who conducted the selection process, to take out the original Community, Nativity and Date of Birth Certificate of the petitioner – accused No.1 issued by the Tahsildar, Zarugumilli, and substitute the Community and Date of Birth Certificate issued by the Tahsildar, Himayatnagar.

7. Under these circumstances, it cannot be said that the petitioner is an innocent person and he has not submitted the alleged fabricated Caste Certificate. The matter requires thorough investigation. The petitioner, as per the investigation, is cited as accused No.1. The Investigating Officer has to go in-depth in regard to fabrication of subject Certificate. The Investigating Officer has to find out the other culprits involved in this case.

Therefore, the petitioner-accused No.1 is not entitled to bail under Section 438 Cr.P.C.

8. Accordingly, the Criminal Petition is dismissed.

Dr. SHAMEEM AKTHER, J

December 11, 2017
MD



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