

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11943 OF 2017

ORDER:

This Criminal Petition is filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioner-A.13 in Crime No.202 of 2017 of III Town Police Station, Anantapuramu, Anantapuramu District, registered for the offences punishable under Sections 420, 406, 120B I.P.C. r/w Section 511 I.P.C. and Section 7 of the Specified Bank Notes (Cessation of Liabilities) Act, 2017.

2. Heard Sri O.Manohar Reddy, learned counsel for the petitioner-A.13, and the learned Additional Public Prosecutor appearing for the respondent-State, apart from perusing the material available on record.

3. The learned counsel for the petitioner-A.13 would submit that the petitioner-A.13 is falsely implicated in this case; he has nothing to do with the alleged seizure of Rs.96,31,000/- (consisting old currency notes of Rs.500/- x 738 and Rs.1,000/- x 9631) on 28.07.2017 from other accused in this case; this petitioner-A.13 is foisted in this case pursuant to the confession made by A.1 and other accused; and it is alleged that the petitioner-A.13 handed over those currency notes to A.1 for exchange with new currency notes. It is also contended that in the confession, it has come that one Ramakrishna Reddy said to have given old currency notes to A.1 and other accused for exchange; there are more than six persons having same name, working in Thermal Power Project,

situated at Kadapa District; and ultimately, prayed to allow the bail application.

4. On the other hand, learned Additional Public Prosecutor appearing for the respondent-State opposed the grant of bail to the petitioner-A.13 under Section 438 Cr.P.C.

5. The material on record reveals that on 28.07.2017, basing on the credible information, the Inspector of Police, Ananthapuramu III Town Police Station, along with staff and mediators proceeded to Balaji Kalyanamantapam, situated at Sreenivasanagar, Ananthapuram, and found A.1 to A.11 there. On interrogation, they confessed that they along with the petitioner-A.13 tried to exchange the currency old notes worthy Rs.96,31,000/- (Rs.1000/- x 9631 and Rs.500/- x 738), which were demonetized by the Government of India. The police seized the said currency notes, one Scorpio vehicle bearing No.AP 02S 0005, one Honda Shine motorcycle bearing No.AP 02BG 4641 and 12 mobile phones, etc., under a cover of panchanama in the presence of the mediators. Thereafter, the police registered this crime and took up investigation. As per the investigation, the old currency notes seized belong to the petitioner-A.13, he handed over the same to A.1 to A.11 for exchange, agreeing to give them commission. A.1 to A.11 along with the petitioner-A.13 planned to exchange them with new currency notes. It is contended on behalf of the prosecution that the investigation is not yet completed. The petitioner-A.13 is required for investigation and if he is released on bail under Section 438 Cr.P.C.,

he would not cooperate with the investigation. As per the counter filed in this case, the money seized belonged to the petitioner-A.13, it goes to show that the other accused working in Thermal Power Project have nothing to do with the alleged seizure of old currency notes. Huge old currency notes are seized, the said currency notes said to be belonged to the petitioner-A.13, who is an employee in Rayalaseema Thermal Power Project, Muddanur, Kadapa District, and there are also allegations of attempts on his part to exchange the old currency notes with new currency notes resorting to unlawful measures. There is no reason to falsely implicate the petitioner-A.13 in this case. The matter requires in depth investigation. In the event of release of the petitioner-A.13 on bail under Section 438 Cr.P.C., there is possibility of the petitioner-A.13 causing disappearance of evidence and winning over the witnesses. Therefore, it is not a fit case to allow the bail application under Section 438 Cr.P.C.

6. The Criminal Petition is dismissed accordingly.

Dr. SHAMEEM AKTHER, J

Date: 19-12-2017

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