

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
WEDNESDAY ,THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND EIGHTEEN**

:PRESENT:

THE HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO: 2720 OF 2018

Between:

Mange Naik, S/o Ramu Naik

....Petitioner/A 1

AND

The State of Andhra Pradesh rep. by the Public Prosecutor, High Court at
Hyderabad for the state of Telangana and the state of Andhra Pradesh

Respondent

Petition under Section 437 & 439 of Cr.P.C, praying that in the
circumstances stated in the affidavit filed in support of the Criminal Petition,
the High Court may be pleased to release the petitioner on bail in Cr.No. 85 of
2016 of I Town PS., Madanapalle, Chittoor District.

The petition coming on for hearing, upon perusing the Petition and the
affidavit filed in support thereof and upon hearing the arguments of
SRI D KODANDARAMI REDDY Advocate for the Petitioner, PUBLIC
PROSECUTOR (AP) for the Respondent and the Court made the following.

ORDER

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.2720 OF 2018

ORDER:

This criminal petition, under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed to enlarge the petitioner/A.1 on bail in Crime No.85 OF 2016 of I Town Police Station, Madanapalle, Chittoor District, registered for the offences punishable under Sections 468, 420 and 408 read with 34 of the Indian Penal Code, 1860 (for short 'IPC'), as he is in judicial custody since 04.01.2018.

The *de facto* complainant is the Project Director, MEPHA, Chittoor District. He lodged a complaint on 04.07.2016 alleging that a news item was published in Ecnadu and Vaartha News Papers on 07.06.2016 about irregularities allegedly committed in the sanction of loans to the groups and in repayment of the loan amounts, an enquiry was conducted on 13.06.2016 at the office and in the enquiry it was informed that the loans were sanctioned to the groups and there was only delay in repayment of the loans by some of the groups and necessary steps will be initiated for persuading the discharge of the loan amount. The explanation of the petitioner was not accepted and lodged a report with the police against the petitioner for alleged misappropriation of approximate amount of Rs.65,00,000/-.

Learned counsel for the petitioner contended that the entire investigation is over and the petitioner was taken to the police custody for interrogation and that was also over and there is nothing to be investigated and thereby detaining him in prison would serve no purpose and prayed to enlarge the petitioner on bail.



The Public Prosecutor for the State of Andhra Pradesh opposed the criminal petition on the ground that part of the investigation is not completed and the petitioner is in judicial custody for more than 70 days and pass appropriate orders.

Taking into consideration of the role played by the petitioner being the community organizer and the allegation against him is that he did not take steps to collect amount from the groups, an approximate amount of Rs.65,00,000/- and therefore the alleged act *prima facie*, would not amount to an offence punishable under Sections 468, 420 and 408 read with 34 IPC as per the material produced before this Court. However, major part of the investigation is completed and keep detained him in prison would not serve any purpose as there is no question of interference with the further investigation. The petitioner is liable to be enlarged on bail.

In the result, the criminal petition is allowed enlarging the petitioner on bail in Crime No.85 of 2016 of I Town Police Station, Madanapalle, Chittoor District, on his execution of a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh Only) with two sureties for the like sum each to the satisfaction of the II Additional Judicial Magistrate of First Class, Madanapalle, Chittoor District. The petitioner is further directed to report to the Station House Officer, I Town Police Station, Madanapalle, Chittoor District, on every Wednesday and Sunday between 6-00 P.M. to 9-00 P.M. for a period of three months or till filing the charge sheet, whichever is earlier.

Sd/- T.YAKAIAH
ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

//TRUE COPY//

To,

1. The II Additional Judicial Magistrate of First Class, Madanapalle, Chittoor District
2. The Superintendent, Sub-Jail, Madanapalle, Chittoor District
3. The Station House Officer, I Town Police Station, Madanapalle, Chittoor District
4. One CC to SRI. D KODANDARAMI REDDY Advocate [OPUC]
5. Two CC's to Public Prosecutor, High Court of Judicature at Hyderabad (OUT)

6. One spare.

HIGH COURT

MSMJ

DATED:21/03/2018

ORDER

CRLP.No.2720 of 2018

BAIL

