

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.5626 of 2018

ORDER :

This criminal petition filed under Section 438 Cr.P.C. by the petitioner/accused in Crime No.54 of 2018 of Abids Police Station, Hyderabad City, registered for the offences punishable under Sections 420, 468 and 471 IPC.

2. Earlier the petitioner filed anticipatory bail before learned II Additional Metropolitan Sessions Judge, Hyderabad, in CrI.M.P.No.942 of 2018, that was ended in dismissal on 06.04.2018.

3. Heard learned counsel for the petitioner and learned Public Prosecutor, representing the State, and perused the material on record.

4. The petitioner is undisputedly removed from the service by the proceedings of the Collector, dated 25.05.2018, on these allegations covered by the F.I.R. It is his contention that without enquiry he was removed from service, which is untenable and there is an appeal pending against his removal from service. It is a different thing. Now, coming to the ground Nos.2 to 12 urged in the bail application, it is the contention that the alleged occurrence is taken place two years back and there was no technical enquiry regarding the so-called hacking of the password or to establish that the approvals were issued fraudulently and role of the petitioner therein and enquiry officer not recorded the statements of the concerned Tahasildar and failed to correspond for due recognition of old LRBD numbers that were

cancelled and website was reconstructed and new numbers allotted to old files that were forwarded to the concerned Mandal online from the office of Special Executive Magistrate and failed to consider how the petitioner is capable of including to issue approvals in fraudulent manner.

5. In fact, the very offence is hacking the password including into in issuing the fraudulent certificates. The enquiry is at preliminary stage. There is nothing to consider the entitlement of anticipatory bail in this case. However, for none of the offences punishable above seven years, the police strictly follow Section 41-A and the guidelines of the Apex Court in **Arnesh Kumar v. State of Bihar**¹ in the event of any request of arrest.

6. Accordingly, the criminal petition is dismissed.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

28th June 2018.

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¹ (2014) 8 SCC 273