

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.8239 of 2018

ORDER:

This petition is filed by the petitioner, who is not yet arrayed as accused, seeking for grant of anticipatory bail.

2. Heard the counsel for the petitioner.

3. The counsel for the petitioner submits that a case in Crime No.176 of 2018 was registered by the police of Kurnool IV Town Police Station, Kurnool, against the driver of the petitioner, for the offences under Sections 420 and 498(B) IPC. Learned counsel submits that based on the confession of the driver, this petitioner apprehends arrest and that he was called by the police and he was interrogated.

4. Learned counsel also relies on a judgment of the apex court in CrI.A.No.949 of 2018 between *Surinder Kumar Khanna vs. Intelligence Officer Directorate of Revenue Intelligence* to contend that the confession of the co-accused cannot be made a basis to understand the facts. But the said case relates to a case of acquittal. It is only after due trial that the confession of the accused was not relied upon. But this case is still at the stage of investigation.

5. The impugned order shows that the Public Prosecutor reported to the court that the petitioner was not attending his duties and that constables were also deputed to know his whereabouts and they submitted reports stating that the

petitioner's wife herself informed them that the petitioner is not coming home for lapse of several days. The confession of the driver shows that the petitioner handed over the notes, which are counterfeited and wanted him to exchange the notes.

6. Hence, in the above circumstances, unless investigation is taken up in the matter, the truth does not come out. This court opines that it is not safe to enlarge the petitioner on anticipatory bail at this stage.

Accordingly, the Criminal Petition is dismissed. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

August 17, 2018
LMV



T. RAJANI, J