

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
THURSDAY, THE EIGHTEENTH DAY OF JANUARY, TWO THOUSAND AND
EIGHTEEN**

: PRESENT :

THE HONOURABLE DR JUSTICE SHAMEEM AKTHER

CRLP .No. 11248 of 2017

Between:-

R. Venkanna, S/o. R. Veeraiah, Occ : Assistant Commissioner,
Mahabubnagar Municipality, R/o. Mahabubnagar.

..... Petitioners/A-6.

AND

The State of Telangana, rep. by its Public Prosecutor,
High Court at Hyderabad, For the State of Telangnaa & State of
Andhra Pradesh, Representing Police Station, leeja, Gadwal District.

.....Respondent/Complainant.

Petition filed under Sections 438 of Cr.P.C. praying that in the circumstances stated in the Grounds of Criminal Petition, the High Court may be pleased to grant anticipatory bail to he petitioner by directing the Police, leeja, Gadwal, to release the petitioner on bail in the event of his arrest in connection with Crime No. 228 of 2017 on the file of Police Station, leeja, Gadwal, subject to any condition.

The petition coming on for hearing, upon perusing the memorandum of grounds filed in support thereof and upon hearing the arguments of Sri M. Damodar Reddy, Advocate for the Petitioner and of Addl. Public Prosecutor(TS) on behalf of Respondent-State, the Court made the following **ORDER :-**

“This Criminal Petition is filed under Section 438 Cr.P.C. seeking to grant anticipatory bail to the petitioner-A.6 in Crime No.228 of 2017 of leeja police station, Gadwal District registered for the offences punishable under Sections 420, 406, 409, 468, 471 and 120B IPC.

2. Heard both sides and perused the material available on record.

3. The learned counsel for the petitioner would submit that the petitioner-A.6 is innocent person and falsely implicated in this case; that he never indulged in any wrongful payment of Government funds to any of the contractors; that he worked as Commissioner of leeja Nagarapanchayat for a short period and that he is not responsible for any of the allegations made in this crime, and ultimately, he prayed to allow the application.

4. On the other hand, the learned Additional Public Prosecutor appearing for the respondent-State opposed the grant of bail to the petitioner-A.6 under Section 438 Cr.P.C.

5. In view of the contentions put forth by both sides, the point for determination is whether the petitioner-A.6 can be granted bail under Section 438 Cr.P.C.?

Cond..2...

6. The material placed on record reveals that the Municipal Engineer of Ileeja Nagarpanchayat colluded with the contractor and misappropriated funds sanctioned to the said Nagarpanchayat, and payments were made without carrying on the work. There is record to show that the petitioner-A.6 worked as Commissioner of Nagarpanchayat, Ileeja from 04.04.2015 to 29.07.2015 and from 18.03.2016 to 31.03.2016. The allegation is that as per the report and investigation, C.C. road and drain from the house of dealer Nagesh to house of Venkanna in Ward No.7 was sanctioned under the *Mana Vuru Mana Pattanam Scheme*. The work was not done by A.1, who is contractor, but payment of Rs.85,913/- was made to him vide challan No.007013, dated 28.08.2015 by making false entries in M.B. No.88, dated 28.08.2015 (page no.16), and also an amount of Rs.86,839/- was made vide challan No.7013, dated 28.08.2015 by making false entries in M.B. No.86/2015-16, and an amount of Rs.86,128/- was made by making false entries in M.B. No.87/2015-16. The above payments were said to have been made on 28.08.2015. As per the material placed on record, the petitioner-A.6 was not the Commissioner of Nagar-anchayat, Ileeja on 28.08.2015. The matter requires investigation. Truth or otherwise would be decided after due trial. Under these circumstances, the petitioner-A.6 can be enlarged on bail under Section 438 Cr.P.C.

7. In the result, the petitioner-A.6 is directed to surrender before the Station House Officer, Kakinada Port Police Station within 15 days from the date of this order. On such surrender, the said S.H.O. shall release the petitioner-A.6 on bail, on the petitioner-A.6 executing a personal bond for Rs.10,000/- (Rupees ten thousand only) with two sureties each for the like sum to his satisfaction. On release, the petitioner-A.6 shall abide by the conditions mentioned under Section 438 (2) Cr.P.C. He shall co-operate with the Investigating Officer. He shall report before the said S.H.O. on every Sunday between 10.00 AM and 11.00 AM till filing of charge sheet in the case.

8. Accordingly, the Criminal Petition is allowed.”

Sd/- A. SURYAPRAKASH RAO,
ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

- 1.The III Additional Sessions Judge, Gadwal.
- 2.The Additional Judicial First Class Magistrate, At Gadwal, Gadwal District.
- 3.The Station House Officer, Ileeja Police Station, Gadwal District.
- 4.The Station House Officer, Kakinada Port Police Station, East Godavari District.
- 5.Two CCs to the Public Prosecutor(AP), High Court at Hyd.(OUT)
- 7.One CC to Sri M. Damodar Reddy, Advocate(OPUC)
- 8.One spare copy.

TKK

HIGH COURT

DR.SA.J

DT.18-01-2018.

**ANTICIPATORY
BAIL ORDER**



CRL.P.No. 11248 of 2017

**RELEASE THE PETITIONER
ON BAIL IN THE EVENT OF
HIS ARREST**

**DRAFTED BY TKK
DT.18-01-2018.**

HIGH COURT

DR.SA.J

DT.18-01-2018.



**ANTICIPATORY
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