

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
THURSDAY, THE FIFTEENTH DAY OF NOVEMBER, TWO THOUSAND AND
EIGHTEEN
: PRESENT :
THE HONOURABLE DR JUSTICE SHAMEEM AKTHER
CRLP.No. 11849 of 2018

Between:-

Kuthuru Ravinder, S/o. Rajeshwar, Occ : Dy. Executive Engineer (AM),
Agricultural Market Committee, Kubeer, Nirmal District,
R/o. H.No. 4-5-44, Amberpet, Nizamabad Town.

..... Petitioner/Accused.

AND

The State of Telangana, Through Dy. Superintendent of Police,
ACB, Medak Range, FAC/Nizamabad Range.

.....Respondent.

Petition filed under Sections 437 & 439 of Cr.P.C. praying that in the circumstances stated in the Grounds of Criminal Petition, the High Court may be pleased to enlarge the petitioner on bail in Crime No.08/RCT-ACB-NZB/2018 on the file of the Anti Corruption Bureau, Nizamabad Range, in the interest of justice.

These petition coming on for hearing, upon perusing the memorandum of grounds filed in support thereof and upon hearing the arguments of Sri B. Vijaysen Reddy, Advocate for the Petitioner and of Sri T.L. Nayan Kumar, Special Public Prosecutor for ACB Cases on behalf of Respondent-State, the Court made the following ORDER :-

"This Criminal Petition, under Section 439 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused for grant of bail in connection with Crime No.08/RCT-ACB-NZB/2018 of ACB, Nizamabad Police Station, Nizamabad District, registered for the offence punishable under Section 7 (a) & 7 (b) of the Prevention of Corruption Act, as amended by the Prevention of Corruption (Amendment) Act, 2018.

2. Heard the learned counsel for the petitioner/accused, the learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. Learned counsel for the petitioner/accused would submit that all material witnesses are examined; that the tainted money was recovered; that the *de facto* complainant was also examined under Section 164 Cr.P.C; that most part of the investigation is completed and ultimately prayed to allow the bail application on some conditions.

4. On the other hand, learned Special Public Prosecutor for ACB opposed the grant of bail to the petitioner/accused contending that some more witnesses are yet to be examined and ultimately prayed to dismiss the bail application.

5. The point for determination is whether the petitioner/accused is entitled for grant of bail as prayed for?

6. This petitioner/accused was remanded to judicial custody on 30.09.2018. By that time, seven witnesses were examined. In the course of submissions, it is brought to the notice of this Court that on 02.11.2018, the statement of the *de facto* complainant under Section 164 Cr.P.C., was recorded by the Magistrate concerned. The bail application of the petitioner/accused was dismissed on the ground that statements of witnesses are required to be recorded under Section 161 Cr.P.C. But, the statement of the *de facto* complainant was recorded under Section 164 Cr.P.C. Having regard to the nature of allegations and the material collected so far, the petitioner/accused can be granted bail under Section 439 Cr.P.C. on some conditions.

Contd..2..

7. Accordingly, the petitioner/accused is ordered to be released on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) with two sureties for a like sum each to the satisfaction of the learned Special Judge for SPE & ACB Cases, Karimnagar. After release on bail, the petitioner/accused shall appear before the Investigating Officer on every Wednesday and Sunday between 09:00 AM and 10:00 AM, till filing of the charge-sheet.

8. Accordingly, the Criminal Petition is allowed."

Sd/- M. MANJULA
ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

- 1.The Special Judge for SPE & ACB Cases at Karimnagar..
- 2.The Deputy Superintendent of Police, ACB, Medak Range,
FAC/Nizamabad Range..
- 3.The Superintendent, District Jail, Karimnagar.
- 4.Two CCs to Sri T.L. Nayan Kumar, Special Public Prosecutor for ACB Cases,
High Court at Hyd.(OUT).
- 5.One CC to Sri B. Vijayson Reddy, Advocate(OPUC)
- 6.One spare copy.

TKK

HIGH COURT

DR.SA.J

DT.15-11-2018.

BAIL ORDER

CRLP .No. 11849 of 2018

RELEASE THE PETITIONER/ACCUSED
ON BAIL.

