HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11868 OF 2018

ORDER:

This Criminal Petition, under Section 439 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused No.1, for grant of bail in connection with Crime No.14 of 2018 of A.C.B. Police Station, Karimnagar Range, registered for the offences punishable under Sections 13(1)(d) read with 13(2) of the Prevention of Corruption Act, 1988 and Section 120B read with 34 I.P.C.

2. Heard the learned counsel for the petitioner/A-1, the learned Additional Public Prosecutor representing the respondent/State and perused the record.

3. Learned counsel for the petitioner/A-1 would submit that the petitioner/A-1 is innocent and falsely implicated in this case; that the petitioner/A-1 also filed a writ petition before this Court to direct the Government to refer the case to Central Bureau of Investigation (C.B.I.) and the same is pending; that the dispute is civil in nature and ultimately, prayed to allow this application.

4. On the other hand, the learned Additional Public Prosecutor opposed the grant of bail to the petitioner/A-1 and contended that altogether 53 criminal cases were registered against the petitioner/A-1 for similar offences and except this case, in other cases, he was granted statutory bail, as the prosecution could not file the charge sheet within the time stipulated; that the alleged offences are grave in nature and ultimately, prayed to dismiss this application.

5. As per the submissions made by both sides and the material placed on record, altogether 53 criminal cases are registered against the petitioner/A-1 and others for similar offences. In 52 criminal cases, charge sheet had not been filed within the stipulated time. So, the petitioner/A-1 was granted bail under Section 167(2) Cr.P.C. This petitioner/A-1, who worked as Assistant Sub Inspector of Police, is now under suspension for considerable period. During in service, he used his official position and indulged in lending money with high rate of interest. In that process, he accumulated the property in his name and in the name of his blood relatives. When the borrowers could not pay the heavy rate of interest, he obtained registered documents in his name and in the name of his blood relatives by misusing, abusing and threatening the borrowers. In the instant case also, it is alleged that the petitioner/A-1 lent loan of Rs.5,00,000/- to the *de facto* complainant and took his signatures on six empty bond papers and on some promissory notes and also on white papers. The petitioner/A-1 collected interest at the rate of Rs.20,000/- per month during considerable period from August, 2005 to August, 2010. Thereafter, when the *de facto* complainant asked for loan of Rs.30,00,000/-, the petitioner/A-1 demanded 48% per annum interest thereon and obtained registered sale deed-cum-GPA in respect of plot admeasuring 726 square yards in favour of his wife, etc., instead of taking mortgage. Thereafter, instead of paying Rs.30,00,000/-, it is alleged that the petitioner/A-1 paid only Rs.10,00,000/- and did not pay the remaining Rs.20,00,000/-. It is further alleged that this petitioner/A-1, working as Assistant Sub Inspector of Police in Police Department, provided loan to

number of persons with high rate of interest. Even after clearing the loan and interest, usurped their properties and created threat in their minds. The manner in which the petitioner/A-1 indulged in acquiring the property by using his official position and accumulating huge property constitutes the offences indicated above. It is pertinent to state that though 53 criminal cases registered against this petitioner/A-1, he was granted statutory bail in 52 criminal cases. It goes to show that he is very influential person. When the allegations are so serious that the petitioner/A-1 indulged in threatening the victims and in obtaining registered documents from the borrowers in his favour and in favour of his blood relatives, in the event of grant of bail, he would indulge in similar offences and he would threaten the witnesses and cause hindrance in the investigation. There is also possibility of the petitioner/A-1 causing disappearance of the material witnesses. The allegations made in this case constitute offences against the petitioner/A.1 for the offences under Sections 13(1)(d) read with 13(2) of the Prevention of Corruption Act, 1988 and Section 120B read with 34 I.P.C. It is not a fit case to consider the bail application of the petitioner/A-1 at this stage and the same is liable to be dismissed.

6. In the result, this Criminal Petition is dismissed. Miscellaneous petitions, if any pending in this Criminal Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 19.11.2018
AMD