

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No. 12637 OF 2017

ORDER:

This Criminal Petition is filed under Section 438 Cr.P.C. seeking to grant anticipatory bail to the petitioner-A.2 in crime No.320 of 2017 of I Town police station, Ongole registered for the offences punishable under Sections 406 and 420 IPC.

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

3. The learned counsel for the petitioner-A.2 would submit that the petitioner-A.2 is innocent person and falsely implicated in this case; that there is no specific mention of dates and how the amount of Rs.8,62,000/- was paid by A.1 to petitioner-A.2; that the accusation is based on confession made by A.1; that the petitioner is neither directly nor indirectly responsible for any misappropriation, and ultimately, 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.2 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.2 can be granted bail under Section 438 Cr.P.C.?

6. The material placed on record reveals that one U.Hemanth Kumar, who is working as Assistant General Manager, Sthrinidhi, Ongole, lodged a report with police on 18.11.2017 against the petitioner-A.2 and A.1 stating that there are 30 self help groups in Gandhi Group of Ongole, and

out of the same, 22 groups obtained loan facility to a tune of Rs.31,35,000/- through Interactive Voice Response System(IVRS) method, and out of the said amount, a sum of Rs.15,05,000/- was distributed to some of the group members. It is further alleged that A.1-S.K.Sarojini of R.P. Gandhi Mahila group withdrew Rs.13,42,000/- belonging to group members and used an amount of Rs.4,80,000/- and paid Rs.8,62,000/- to the petitioner-A.2.

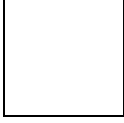
7. There are specific and grave allegations against the petitioner-A.2 that he received a sum of Rs.8,62,000/- from A.1 and the said amount belongs to R.P. Gandhi Mahila Group of Ongole. The contention that there are no specific dates of payment of the said amount and how the said amount was paid to petitioner-A.2, is unsustainable at this stage. The matter requires thorough investigation. The petitioner was working as District Mission Co-ordinator (DMC) of Mission for Elimination of Poverty in Municipal Areas (MEPMA), being an anchor. Under these circumstances, it cannot be held that the petitioner-A.2 is innocent person and falsely implicated in this case. Release of the petitioner-A.2 on bail under Section 438 Cr.P.C. would hinder investigation. There is also possibility of petitioner-A.2 causing disappearance of material evidence. Under these circumstances, the petitioner-A.2 is not entitled for relief under Section 438 Cr.P.C. The Criminal Petition is devoid of merit and liable to be dismissed.

8. In the result, the Criminal Petition is dismissed.

Dr. SHAMEEM AKTHER, J

Date: 19 .1.2018
DRK

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER



Cr1.P. No. 12637 OF 2017

19.1.2018

DRK