

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.12649 OF 2017

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioners-A.1 and A.2 in Crime No.145 of 2017 of T. Sandole Police Station, Guntur District, registered for the offences punishable under Sections 409, 468 I.P.C. r/w Section 34 I.P.C.

2. Heard the learned counsel for the petitioners-A.1 and A.2 and the learned Additional Public Prosecutor appearing for the respondent-State, apart from perusing the material available on record.

3. Learned counsel for the petitioners-A.1 and A.2 would submit that the petitioners-A.1 and A.2 are innocent persons, they did not commit any offence alleged and they are falsely implicated in this case; the petitioner-A.1 is going to be retired by the end of next month; the petitioners-A.1 and A.2 are ready to abide by any conditions in the event of grant of bail to them; and ultimately, prayed to allow the application.

4. Learned Additional Public Prosecutor opposed the grant of bail to the petitioners-A.1 and A.2 under Section 438 Cr.P.C.

5. The material available on record reveals that the petitioner-A.1 is the MPDO and petitioner-A.2 is the MPP of Pitlavanipalem Mandal, Guntur District, the *de facto* complainant is a Member of Mandal Praja Parishad. The monthly honorarium of the *de facto* complainant is Rs.3,000/-. An amount of Rs.66,000/- towards the honorarium of the *de facto* complainant for 22 months was fraudulently withdrawn by the petitioners-A.1 and A.2 by forging signatures on the acquittance register, etc. When the son of the *de facto* complainant sought the information under the Right to Information Act, the amount was re-deposited in the

account and signatures were erased in the acquittance registers, etc. There are specific and grave allegations against both the petitioners. The element of dishonest intention and fraudulent withdrawal of the amount to the tune of Rs.66,000/- (22 months honorarium of the *de facto* complainant) is present. It cannot be said that the petitioners are innocent persons. The retirement of the petitioner-A.1 by the end of the next month is not a ground to allow the application. The matter requires thorough investigation. The release of the petitioners-A.1 and A.2 would hinder the investigation. There is possibility of tampering the records. Under these circumstances, it is not a fit case to grant bail to the petitioners-A.1 and A.2 under Section 438 Cr.P.C.

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

Date: 03-01-2018

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Dr. SHAMEEM AKTHER, J

