HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION Nos.12780 AND 12781 OF 2017

COMMON ORDER:

Both these Criminal Petitions are filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioners-A.1 and A.2 in Crime No.253 of 2017 of Dharoor Police Station, Mahaboobnagar District, registered for the offences punishable under Sections 409, 419 and 420 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 there is no misappropriation of funds for wrongful gain; in terms of the regulations, the payments were made to all concerned under the NREGS Scheme; the petitioners-A.1 and A.2 are falsely implicated in this case; already the District Panchayat Officer issued show cause notice to the petitioner-A.1, which is pending; there cannot be two parallel proceedings, one is departmental and the other is criminal proceeding; and ultimately, prayed to grant bail to the petitioners-A.1 and A.2 under Section 438 Cr.P.C.

4. The 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, who is the Panchayat Secretary of Daroor village, was transferred from the office on 20.02.2017. Thereafter, he did not hand over the cheque books to the new incumbent and ultimately withdrawn an amount of Rs.14,04,000/- along with the petitioner-A.2, who is Sarpanch of the same village. The Sarpanch of the village is well aware of the transfer of

the petitioner-A.1. When the petitioner-A.1 is transferred, he has no authority or power under any regulation to withdraw the amount of Rs.14,04,000/- along with the petitioner-A.2 in this case and disburse the same under NREGS Scheme from the account No.6226414456. As per the material placed on record, absolutely there is no involvement of the new Panchayat Secretary. It cannot be said departmental proceedings and the other is criminal proceedings cannot be proceeded with against the petitioner-A.1. It cannot be said that the allegations made against the petitioners-A.1 and A.2 do not constitute the offences under Sections 409, 419 and 420 I.P.C. The matter requires thorough investigation. The release of the petitioners-A.1 and A.2 under Section 438 Cr.P.c. would hinder the investigation. There is possibility of the petitioners-A.1 and A.2 winning over the witnesses and tampering the record. Viewing from any angle, 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, both the Criminal Petitions are dismissed.

Dr. SHAMEEM AKTHER, J

Date: 02-01-2018
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