

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.1371 OF 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.1, for grant of anticipatory bail in Crime No.61 of 2019 of Devarakonda Police Station, Visakhapatnam District, registered for the offences punishable under Sections 417, 426, 467, 468 and 471 read with 34 of IPC.

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

3. Learned counsel for the petitioner/A.1 would contend that a false case was foisted against the petitioner/A.1 and no offences are made out against him. There is no material to hold that the petitioner/A.1 committed the alleged offences. He has nothing to do with the computer in the office of the Municipal Corporation, Devarakonda. Learned counsel further contended that presently the petitioner/A.1 is the Principal of a private school and from 16.03.2019 SSC examinations are commencing and ultimately, prayed to allow the petition.

4. Learned Additional Public Prosecutor representing the respondent-State opposed the grant of bail to the petitioner/A.1 and ultimately, prayed to dismiss the petition.

5. As per the First Information Report, dated 25.02.2019 lodged by the Municipal Commissioner, Municipality, Devarakonda, the petitioner/A.1, who was a private teacher in Vidyodaya School, Devarakonda along with one Y.Srinivas (A.2), a computer operator in the office of Municipal Corporation, Devarakonda, used digital key

without permission of the Commissioner and without there being an application, created a bogus registered document in respect of vacant land in block No.18 of Devarakonda Town and allotted wrong House No.18-23/1 *vide* assessment confirmation document No.130987/2018/DVKNP, dated 24.02.2018, in his name. So, the record shows that he created a false registered document No.2016, dated 02.02.2016 and assigned house No.18-23/1. The record further establishes that the petitioner/A.1 along with A.2-Y.Srinivas indulged in manipulation of records in the computer system being maintained by the office of Municipal Commissioner, Devarakonda. The gravity of offence is high. The investigation is in progress. The commencement of SSC examination from 16.03.2019 cannot be a ground to grant bail under Section 438 of Cr.P.C. In the event of grant of bail to the petitioner/A.3, there is apprehension that he would create hurdle in investigation and win over the witnesses. Therefore, the petitioner/A.3 is not entitled for bail under Section 438 of Cr.P.C.

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

DR. SHAMEEM AKTHER, J

Date: 15.03.2019
ssp