

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

FRIDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND NINETEEN

:PRESENT:
THE HON'BLE JUSTICE G SRI DEVI
CRIMINAL PETITION NO: 4986 OF 2019



Between:

Pandi Narsimha Rao, S/o. Mallaiah, Aged about 26 years, Occ: Asst. Engineer IB Section, Dammipeta, Aswaraopet Sub-Division, O/o. Dy. EE, IB Sub-Division, Aswaraopet, R/o.H.No.3-133/3, Kandukuru Road, Vennachedu Venkatapuram, Vemsoor Mandal

....**Petitioner/Accused No.2**

AND

The State of Telanagana, rep. by its Special Public Prosecutor, through A.C.B Khammam
District State of Telangana

....**Respondent/Complainant**

Petition under Sections 437 & 439 of Cr.P.C, praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to grant Regular bail to the Petitioner/Accused who is already in the prison vide CrI.M.P.No.1359 of 2019 in Cr.No.11/ACB-KMM/2019 on the file of the First Additional Special Judge for SPE and ACB Cases, City Civil Court at Hyderabad

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI.S.MALLESWARA RAO Advocate for the Petitioner and ADDL PUBLIC PROSECUTOR (TG) for the Respondent, the Court made the following.

ORDER

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.4986 of 2019

ORDER:

The petitioner-accused filed the present application under Sections 437 and 439 of the Code of Criminal Procedure, seeking to grant bail to him in Crime No.11/ACB-KMM/2019 on the file of Khammam Police Station, Khammam District, registered for the offences under Sections 7(a) & (b) of Prevention of Corruption Act, 1988.

2. It is alleged in the remand case diary that the petitioner/accused has demanded bribe of Rs.15,000/- to record the work in M.Book and for further process in the contract from the de-facto complainant and that as the de-facto complainant is not willing to pay bribe, he recorded the phone conversation from him and the accused and submitted the same to ACB officials along with the complaint.

3. Learned counsel for the petitioner/accused submits that the petitioner has neither participated nor received any bribe as alleged in the complaint. However, the Court below in stead of appreciating the factual aspects, relied upon the remand report and observed that in the absence of the statements under Section 164 Cr.P.C., bail cannot be granted. He further submits that the petitioner is in judicial custody since 16.07.2019 and he is ready to abide by the conditions imposed by this Court and he is ready of furnish sufficient sureties before the Court.

4. Learned Additional Public Prosecutor vehemently opposed to grant bail to the petitioner/accused.

5. In view of the nature of allegations levelled against the petitioner, without adverting to the merits of the matter, this Court is inclined to grant bail to the petitioner on certain terms and conditions.

6. Accordingly, the Criminal Petition is allowed and the petitioner/accused shall be released on bail on his executing a personal bond for a sum of Rs.15,000/- (Rupees fifteen thousand only) with two sureties for a like sum each to the satisfaction of the First Additional Special Judge for SPE & ACB Cases, City Civil Court, Hyderabad. Further, the petitioner/accused shall not indulge in any similar type of activities in future; shall not tamper with the prosecution witnesses and shall co-operate with the investigating agency; and shall not misuse the liberty granted to him.

7. As a sequel, miscellaneous applications, if any pending, shall stand closed.

//TRUE COPY//

SD/- B.SATYA VATHI
ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To

1. The First Additional Special Judge for SPE & ACB Cases, C.C.C. at Hyderabad.
2. The Superintendent, Central Jail, Chanchalguda, Hyderabad.
3. The Station House Officer, ACB Police Station, K/R Khammam,.
4. One CC to SRI. SMALLESWARA RAO Advocate [OPUC]
5. Two CCs to the Public Prosecutor (TG), High Court at Hyderabad (OUT)
6. One spare copy

HIGH COURT

GSD,J

DATED: 30.08.2019

CRL.P.NO.4986 OF 2019

BAIL

