

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND TWENTY ONE

:PRESENT:
THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL PETITION NO: 5396 OF 2021

Between:

Smt. M. Usha Martha Swarna Latha, W/o P. Sanjeeva Rao

Petitioner/Accused No.1

AND

The State of Telangana, rep. by Public Prosecutor, High Court for the State of Telangana at
Hyderabad

Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the petition and the grounds filed therein, the High Court may be pleased to grant Anticipatory Bail in Cr. No. 470/2019 to the Petitioner/Accused No.1 directing the police P.S. Saifabad, Hyderabad to release the Petitioner/Accused No.1 in the event of arrest in Cr. No. 470/2019 pending on the file of First Addl. Chief Metropolitan Magistrate at Hyderabad in view of the above mentioned facts and circumstances;

The petition coming on for hearing, upon perusing the Petition and the grounds filed therein, and upon hearing the arguments of Sri D. Nitin, Advocate for the Petitioner, and of the Asst. Public Prosecutor, for the Respondent, the Court made the following.

ORDER :

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.5396 of 2021

ORDER:

The Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A1 seeking to grant anticipatory bail in the event of her arrest in connection with Crime No.470 of 2019 on the file of Saifabad Police Station, Hyderabad District, registered for the offences under Sections 409, 420 and 120-B IPC.

2. Heard learned counsel appearing for the petitioner/A1, learned Assistant Public Prosecutor appearing for the respondent-State and perused the record.

3. The prosecution case is that as per the report of the Director of Adult Education, Hyderabad, the petitioner/A1, Retired DDAE, Medak, had diverted an amount of Rs.18,54,000/- to other accounts through online transfer during the period from 02.05.2015 to 30.04.2018 along with the other accused and that the accused had misappropriated Government funds.

4. Learned counsel for the petitioner/A1 would submit that there is no specific overt act attributed against the petitioner alleging misappropriation. He would further submit that the procedure in disbursing the amounts to the village Coordinators involves various officers of the Committee and subjected to scrutiny and as such, liability cannot be fastened against the petitioner. He would further submit that the entire amount alleged to have been misappropriated during the tenure of petitioner has been remitted to the credit of the Government. He also submits that the petitioner is not having any criminal antecedents prior to the alleged occurrence and she is a law abiding citizen and ready to abide

by any condition that may be imposed in the event of her enlargement on anticipatory bail.

5. Learned Assistant Public Prosecutor opposed to grant anticipatory bail to the petitioner.

6. Having regard to the facts and circumstances and looking into the nature of allegations leveled against the petitioner and since the amount alleged to have been misappropriated has been remitted by petitioner and also in view of the peculiar conditions of pandemic COVID-19 prevailing in the country, without delving into the merits of the matter, I am inclined to grant anticipatory bail to the petitioner/A1.

7. Accordingly, the Criminal Petition is allowed and the petitioner/A1 is granted anticipatory bail subject to the following terms and conditions:

- (i) The petitioner/A1 is directed to surrender before the Station House Officer, Saifabad Police Station, Hyderabad District, within a period of 15 days from today, and on such surrender, the said Station House Officer shall release the petitioner/A1 on bail on her executing a personal bond to the tune of Rs.30,000/- (Rupees thirty thousand only) with two sureties each to the like amount to his satisfaction.
- (ii) On such release, the petitioner/A1 shall personally appear before the Investigating Officer as and when required for the purpose of fair investigation.
- (iii) The petitioner/A1 shall comply with the conditions as laid down under Section 438 (2) of Cr.P.C., and cooperate with the investigation.

Sd/- T.TIRUMALA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The J Addl. Chief Metropolitan Magistrate, at Hyderabad.
2. The Station House Officer, Saifabad Police Station, Hyderabad
3. Two CCs to Public Prosecutor, High Court of Telangana, at Hyderabad (OUT)
4. one CC to Sri D.Nitin, Advocate (OPUC)
5. one Spare Copy

HIGH COURT

GSD,J

DATE: 04-8-2021

ORDER

CRL.P. NO. 5396 OF 2021

PETITION ALLOWED



A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.