

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 8467 OF 2021

ORDER:-

This Criminal Petition under Section 438 Cr.P.C. is filed by the petitioner – Accused No.1 seeking bail in the event of his arrest in connection with Crime No. 138 of 2018 of Nampally Police Station, Nalgonda, registered for the offences punishable under Sections 420, 409 and 201 of the Indian Penal Code.

2. The case of prosecution is that the *de facto* complainant filed a complaint before the Station House Officer, Nampally Police Station on 17.08.2018 stating that he is working as Assistant General Manager, Regional Business Office-III, Nalgonda Region, State Bank of India, wherein the accused-Ramavath Ravi Naik, Cashier, has disbursed the cheques of 654 which were issued to the farmers by the Government in Rythu Bandhu Scheme and disbursed the amount to the third party by not taking any KYC and also has not submitted the cheques in the bank and later he submitted 184 cheques only and not handed over about 470 cheques in the bank and hence, he misappropriated the funds of the bank.

3. Learned counsel for the petitioner submits that the petitioner is arrayed as A-1 on the ground that under the

Rythu Bandhu Scheme, certain cheques were retained by the petitioner. He submits that the Tahsildar has conducted enquiry into the matter and addressed a letter to the Mandal Officer dated 22.06.2021. It is further stated that as per the enquiry, all the cheques were disbursed and they have not received any complaints from the farmers. Learned counsel for the petitioner submits that the petitioner has not committed any of the offences as alleged but he has been arrayed as accused and implicated in this case and hence, the petitioner may be granted bail.

5. On the other hand, learned Assistant Public Prosecutor submits that investigation is pending in this case and so far, 51 witnesses were examined and except A-1, all the other accused were arrested and hence, he is not entitled for pre-arrest bail.

6. The Hon'ble Supreme Court in **Siddharam Satlingappa Mhetre Vs. State of Maharashtra**¹ has formulated the guidelines to be taken into consideration while granting bail, as under:

- i. The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;
- ii. The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;

¹ AIR 2011 SC 312 = MANU/SC/1021/2010

- iii. The possibility of the applicant to flee from justice;
- iv. The possibility of the accused's likelihood to repeat similar or the other offences.
- v. Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.
- vi. Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people.
- vii. The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which accused is implicated with the help of Sections 34 and 149 of the Indian Penal Code, the court should consider with even greater care and caution because over implication in the cases is a matter of common knowledge and concern;
- viii. While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors namely, no prejudice should be caused to the free, fair and full investigation and there should be prevention of harassment, humiliation and unjustified detention of the accused;
- ix. The court to consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;
- x. Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail.”

7. Particularly, taking into consideration the letter addressed by the Tahsildar to the Mandal Officer dated 22.06.2021, wherein it is stated that all the cheques were

disbursed and as there are no complaints from any of the farmers and also with regard to the fact that the complaint is of the year 2018, this Court is inclined to grant bail to the petitioner/A-1.

8. Accordingly, this Criminal Petition is allowed. Petitioner/A-1 shall be released on bail in the event of his arrest in connection with Crime No. 138 of 2018 of Nampally Police Station, Nalgonda, on his executing a personal bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the Station House Officer, Nampally Police Station.

Miscellaneous applications, if any, pending shall stand closed.

LALITHA KANNEGANTI, J

25th November 2021
RRB