

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 9281 of 2021

O R D E R:

This petition is filed under Section 438 Cr.P.C. seeking pre-arrest bail to petitioner – Accused No. 21 in the event of his arrest in connection with Crime No. 118 of 2015 on the file of Nalgonda II Town Police Station registered for the offences punishable under Sections 120-B, 406, 409, 477-A, 417, 418, 201, 406, 380 read with 34 IPC.

2. The case of prosecution is that a report was lodged by the de facto complainant (Municipal Commissioner, Nalgonda Municipality) on 15.05.2015 stating that on 27.04.2015, Special Audit, Nalgonda conducted audit at Nalgonda Municipality for the financial years 2011-12, 2014-15 and found misappropriation of amount to a tune of Rs.1.53 crores and property tax demand arrears worth Rs.3,39,51,663/- and basing on the said report, the present crime is registered.

3. Learned counsel for petitioner Sri K.V. Sudhakar submits that in the very same crime, Accused Nos. 4, 5, 7, 15 and 25 were granted bail by this Court *vide* order dated 01.11.2021 in Criminal Petition No. 7705 of 2021 and batch and petitioner – Accused No.21 is similarly-situated, hence, his case may also be considered for grant of pre-arrest bail.

4. Learned Assistant Public Prosecutor though opposed granting of bail, does not dispute the above-said fact.

5. Taking into consideration the fact that Accused Nos. 4,5,7, 15 and 25 in the very same crime were already enlarged on bail and since petitioner is similarly-situated, this Court deems it appropriate to grant pre-arrest bail to him also.

6. The Criminal Petition is therefore, allowed, subject to following conditions:

i) Petitioner – Accused No.21 is directed to surrender before the Station House Officer, Nalgonda II Town Police Station within a period of 15 days from today and on such surrender, the said Station House Officer shall release petitioner on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties for a like sum each to his satisfaction.

ii) Petitioner – Accused No. 21 shall appear before the investigating authorities as and when required for the purpose of fair investigation.

iii) Petitioner – Accused No.21 shall not interfere with the investigation, intimidate or induce the material witnesses and shall cooperate with the investigating agency.

iv) Petitioner shall not misuse the liberty granted to him, failing which, the Court concerned shall take appropriate action in accordance with law in the light of the judgment of the Apex Court in ***Sushila Aggarwal and others v. State (NCT of Delhi) and others.***

v) Petitioner shall abide by the other conditions stipulated in Section 438(2) Cr.P.C. and co-operate with the Investigating Officer in investigating the case.

LALITHA KANNEGANTI, J

15th December 2021
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