

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.755 of 2022

ORDER:

This Criminal Petition under Section 438 Cr.P.C. is filed by petitioner – Accused No.1 seeking bail in the event of his arrest in connection with Crime No.107 of 2021 on the file of Kothaguda Police Station, Mahabubabad District, registered for the offences punishable under Sections 406, 409 and 420 IPC.

2. The case of prosecution is that one Sankapalli Vasantha lodged a complaint stating that she along with 9 members of their village were maintaining a Mahila Sangham Group and they took loan of Rs.7,40,000/- from the Indian Bank, Kothaguda. That on 27.12.2021 at 16.00 hours, when they went to the Bank for withdrawal of their loan amount, the Bank Manager has replied that in the month of May, 2021, the said loan amount was transferred to the account bearing No.06052063400 of one Dandu Saritha, who is the wife of Dandu Shobhan, Community Assistant of the said Bank, thereby the Bank Manager and said Dandu Shobhan have cheated them.

3. Learned counsel for petitioner/A1 Sri V. Yadu Krishna Sainath, submits that the petitioner is a Bank Manager and for withdrawal of the amounts, he has no role to play and for the best reasons, the de-facto complainant has implicated him in this case. Learned counsel submits that in fact, after receiving the complaint, he has rectified the mistake as the said transfer is only technical error and the amounts were credited to the account of the de-facto complainant and others. He submits that the petitioner has been rendering services without any blemish and hence, his case may be considered for grant of pre-arrest bail.

4. On the other hand, learned Assistant Public Prosecutor submits that the investigation is pending and so far 9 witnesses were examined and unless the investigation is completed, it cannot be presumed that the petitioner has no role to play in the crime. He also submits that in the bail order passed by the Court below, it was observed that the petitioner has deposited the amounts in the accounts of the women group and he filed copies of said receipts, but the said fact cannot be considered in the bail application and as such, the petitioner is not entitled for pre-arrest bail.

5. Taking into consideration the fact that the petitioner has already deposited the amounts in the account of the de-facto complainant and others, this Court deems it appropriate to grant pre-arrest bail to petitioner/A1.

6. The Criminal Petition is allowed. Petitioner– Accused No.1 shall surrender before the Station House Officer, Kothaguda Police Station, Mahabubabad District, in connection with Crime No.107 of 2021 within one week from today and on such surrender, he shall be released on bail 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 said Station House Officer. It is made clear that no further extension of time will be granted.

3rd February, 2022

sj

LALITHA KANNEGANTI, J

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Date:03.02.2022

sj