

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.2034 OF 2022

ORDER:-

This petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking pre-arrest bail to the petitioner/accused in the event of her arrest in connection with Crime No.89 of 2013 of Mandamarri (M) Police Station, Adilabad District, registered for the offences punishable under Sections 406 and 409 IPC.

2. A report was lodged by the Municipal Commissioner, Mandamarri of Adilabad District stating that out of the total amount of Rs.21,22,540/-, the petitioner paid Rs.15,98,560/- and balance amount of Rs.5,23,584/- was not paid and mis-appropriated. Basing on the said report, the present crime is registered.

3. Heard Mr.G.Madhusudhan Reddy, learned counsel for the petitioner, and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submits that the crime was registered in the year 2013. Basing on the complaint given by the President of Association, without looking into the details, the Commissioner has given the present complaint. He submits that the petitioner approached this Court by filing Crl.P.No.3713 of 2013 and this Court has passed interim orders, which were subsisting till 02.03.2022. As several disputed questions of facts are involved, the said criminal petition was dismissed. Learned counsel submits that even as per the complaint, the petitioner had paid an amount of Rs.15,98,560/-, out of Rs.21,22,540/-, and the petitioner had to pay an amount of Rs.5,23,584/-. It is submitted that the workers, who were rendered sanitary work and who were having bank account, the petitioner has transferred the amount through bank transaction and those who were not having bank accounts, the petitioner has paid the amounts by way of cash. The petitioner also obtained receipts in this regard and filed the said receipts. The petitioner is ready to cooperate with the investigation and as this crime is of the year 2013, her case may be considered for grant of pre-arrest bail.

5. Learned counsel for the second respondent submits that the petitioner cheated several innocent labourers and failed to pay an amount of Rs.5,23,584/-. He submits that from 2013, the petitioner has successfully dragging on the matter till 2022. In view of the allegations levelled against the petitioner, she is not entitled for pre-arrest bail.

6. Learned Assistant Public Prosecutor submits that in view of stay orders passed by this Court in Crl.P.No.7712 of 2013, they could not go ahead with the investigation. He submits that the police have started investigation, when the criminal petition is dismissed. He further submits that so far eleven witnesses were examined. Hence, at this stage, the petitioner is not entitled for pre-arrest bail.

7. Taking into consideration the fact that the crime is of the year 2013 and further taking into consideration the contention of both parties, this Court deems it appropriate to grant pre-arrest bail to the petitioner/accused on certain conditions.

- (i). The Petitioner/accused shall surrender before the Station House Officer, Mandamarri (M) Police Station, Adilabad

District, in connection with Crime No.89 of 2013 within one week from today and on such surrender and executing personal bonds for Rs.20,000/- (Rupees twenty thousand only) each with two sureties for a like sum each to the satisfaction of the said Station House Officer, she shall be released on bail. It is made clear that no further extension of time will be granted. The

(ii) The petitioner shall appear before the Station House Officer, Mandamarri (M) Police Station, Adilabad District, once in fifteen days i.e., on 1st and 15th of every month, between 10.00 a.m. and 12.00 Noon. till the investigation is completed.

(iii) The petitioner shall cooperate with the investigation.

8. The police shall also speed up the investigation, since the crime is of the year 2013.

9. The criminal petition is, accordingly, allowed.

Miscellaneous applications, pending if any, shall stand closed.

LALITHA KANNEGANTI, J

Date :11.03.2022

mar