

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.3970 OF 2022****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail to the petitioner, who is arrayed as Accused in the event of his arrest in Crime No.03/ACB-KNR/2022, on the file of Station House Officer, ACB, Karimnagar Range Police Station, Karimnagar District registered for the offence punishable under Section 13(1)(a) of Prevention of Corruption Act, 1988.

2. Heard the learned counsel for the petitioner and learned special public prosecutor for ACB for the respondent-State. Perused the record.

3. The petitioner is DSP/ACB Nizamabad who is now under suspension on the allegations of misappropriating the trap amounts in three cases. The agency after initial enquiry found that this petitioner was responsible for not depositing the trap amounts in three different cases before the Court in order to help the accused in the said trap cases. The enquiry was conducted by DSP/ACB,

Warangal and in the enquiry findings, it was found that there is no evidence regarding handing over of the amounts to the concerned court constable, though there is a procedure prescribed to deposit, the said procedure was not followed and this petitioner is responsible in the missing trap amounts and has shown gross negligence towards his duties.

4. Learned counsel for the petitioner submits that this Court by order dated 19.05.2022 granted interim bail to the petitioner directing him that he shall surrender before the Special Judge for SPE & ACB Cases at Karimnagar and execute a personal bond for a sum of Rs.50,000/- with two sureties for a like sum each and cooperate with the investigating agency. Learned counsel further submits that sureties are already furnished and he is ready to assist investigation.

5. Learned Special Public Prosecutor appearing for ACB would submit that the petitioner has to attend investigation and sought directions from this Court for his appearance on every Monday for a period of eight (08) weeks to assist investigation.

6. According to the report and findings, all the documents and other material for the purpose of investigation, is already available with the agency. In the said circumstances, there would not raise any necessity for any custodial interrogation for the reason of all the material evidence being available with the agency.

7. Accordingly, the Criminal Petition is allowed, since the sureties are already furnished by the petitioner, there is no necessity to furnish any further sureties. The petitioner shall appear before the investigating agency on every Monday between 10.30 AM and 01.00 PM for a period of eight (08) weeks and thereafter on all such other dates whenever required by the agency for the purpose of investigation.

iii) The petitioner/Accused shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

8. As a sequel thereto, miscellaneous applications, if any pending, shall stand closed.

K.SURENDER, J

Date: 27.06.2022
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