

THE HONOURABLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.4363 OF 2022

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.182 of 2022 on the file of Sanjeevareddy Nagar Police Station, Hyderabad, registered for the offences punishable under Sections 409, 420, 467 and 468 read with Section 109 read with Section 120B IPC.

2. The brief facts of the prosecution case are that the petitioner along with other accused hatched a plan to give the certificates in one day to the needy customers as per their required date of birth and without approaching CSC with the help of Accused No.2 used to collect Rs.1,300/- from each applicant to earn easy money and give to the petitioner on daily basis by way of cash. The petitioner being Assistant Medical and Health Officer in circle No.7, GHMC, Khairathabad engaged brokers i.e. Accused Nos.3 to 7 and processed 163 applications received through them by providing fake death and birth certificates.

3. Sri.Ruthwik Reddy, learned counsel for the petitioner submits that basing on the alleged confession of Accused No.2, though the petitioner is no way concerned with the allegations leveled in the complaint, the

present complaint is lodged. As per the procedure, the person, who wants death/birth certificate, has to make an application through online provided by the GHMC. In fact, without following the above procedure, the GHMC website will not accept any application and no certificate can be uploaded or downloaded. Further, Accused Nos.2 to 4 and 6 were already arrested and released on bail. The petitioner has no role in the present crime. Hence, the case of the petitioner may be considered for grant of pre-arrest bail.

4. On the other hand, learned Assistant Public Prosecutor opposed the anticipatory bail application. He submits that so far four witnesses were examined and investigation is still pending. Hence, the petitioner is not entitled for grant of pre-arrest bail.

5. Heard learned counsel for the petitioner as well as learned Assistant Public Prosecutor and perused the material on record.

6. As per the material on record, by proceedings dated 17.03.2022 the petitioner was directed to surrender to his parent department i.e. Director of Public Health & Family Welfare, Government of Telangana, Hyderabad. It is not disputed fact that Accused Nos.2 to 4 and 6 were already arrested and released on bail. Hence, this Court deems it appropriate to grant pre-arrest bail to the petitioner.

7. Accordingly, the Criminal Petition is allowed with the following conditions:

- i) Petitioner – Accused No.1 shall surrender before the Station House Officer, Sanjeevareddy Nagar Police Station, Hyderabad in connection with Crime No.182 of 2022 within ten days from today and on such surrender and 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 the satisfaction of the said Station House Officer, he shall be enlarged on bail. It is made clear that no further extension of time will be granted.
- ii) The petitioner shall appear before the said Station House Officer on every Sunday between 10.00 a.m. and 02.00 p.m. for a period of two months or till filing of the charge sheet, whichever is earlier.
- iii) The petitioner shall not interfere with the investigation, intimidate or induce the material witnesses and shall cooperate with the investigating agency.
- iv) The 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.

JUVVADI SRIDEVI, J

Date: 19.05.2022

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