

THE HONOURABLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.4384 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.51 of 2022 of Kodangal Police Station, Vikarabad District, registered for the offences punishable under Sections 406, 409, 420, 468 and 471 read with Section 34 IPC.

2. The brief facts of the prosecution case are that, Accused Nos.4 to 11 approached with loan applications on different dates to State Bank of India, Kodangal Branch for sanction of Small and Medium Enterprise Segment business loans (Small and Medium Enterprises) under Stand up India Scheme for manufacturing and establishment of various units located in Kodangal. The bank, believing that the applications were genuine, processed the applications and finally sanctioned loan amounts to them. When the Bank Officials went for inspections on 20.10.2020 the borrowers were not residing in the address given by them. The bank came to know that the petitioner is hand in glove with the other Accused in sanctioning of loans under the above said scheme.

3. Sri.G.M.Ravi Kumar, learned counsel for the petitioner submits that the petitioner has worked as Branch Manager of State Bank of India, Kodangal Branch, Kodangal, Vikarabad District from 05.12.2017 to 26.06.2020. During his service in State Bank of India, Kodangal Branch, the bank has many MSME units of which 10 units are under Standup India Scheme to different activities like Centering Material supply units (5 units), Earth Moving Equipment unit (1 unit), Car Rental Unit (1 unit), Oil Extraction Units (2 units), Soap Manufacturing Unit (1 unit). During the financial year 2021-22 out of the above 10 units, 8 units turned into NPA due to Covid-19 pandemic and later on during latest RFIA in August, 2021 the said units were reported as suspected as fraud. He further submits that the petitioner is leading a life of self esteem with dignity having good educational background and he is not involved in the alleged offence. Further the present case is framed and filed deliberately to malign petitioner and see that his career is put in jeopardy due to rivalry among employees and the petitioner is deliberately roped into the case on the strength of false complaint lodged by the *de facto* complainant. Further the ingredients of Sections 420, 406, 409, 468 and 471 read with Section 34 IPC do not attract against the petitioner, 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 only one witness is examined and still investigation is pending, as such he 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 seen from the material on record, the petitioner has already suspended from service pending enquiry. 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, Kodangal Police Station, Vikarabad District in connection with Crime No.51 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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