

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.5453 OF 2022****ORDER:**

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner who is arrayed as Accused No.1 in Crime No.08/ACB-KNR/2022 on the file of ACB Karimnagar Police Station, Karimnagar District registered for the offences punishable under Section 7(a) and 12 of Prevention of Corruption Act, 1988.

2. Heard learned counsel for the petitioner/Accused and learned Special Public Prosecutor for the respondent-State. Perused the record.

3. The case of the prosecution is that Accused No.1 demanded an amount of Rs.2,00,000/- from the *de facto* complainant for the purpose of surveying his land and fix the boundaries.

4. As per the prosecution Accused No.1 demanded an amount of Rs.2,00,000/- to be paid to Accused No.2 and in turn Accused No.2 asked the *de facto* complainant to pay the first installment amount

of Rs.1,00,000/- to the Accused No.3 from whom the amount was seized.

5. Learned counsel for the petitioner submits that in fact there is no allegation in the two complaints lodged by the *de facto* complainant stating that this petitioner/accused No.1 had specifically demanded any amount for which reason he is entitled to bail.

6. On the other hand, learned Special Public Prosecutor submits that there is audio and video recording of the demand made by this petitioner and the consequent action taken by the ACB during the entrapment proceedings of Accused No.3. Learned Public Prosecutor further submits that the petitioner is not entitled to bail for the reason of the offence being an economic offence and corruption in revenue department is rampant and the release of the petitioner would in fact send wrong signals and also hamper the investigation.

7. In the present case, the ACB had trapped A3 and recovered amount from him. All the concerned documents have already been seized which is evident from the remand case diary. Further, even according to the learned Special Public Prosecutor there is evidence

of audio and video recording connecting the petitioner to the demand of bribe. In the said circumstances, when the evidence is seized and audio/video evidence is available with the ACB, the petitioner cannot tamper the investigation which is in possession of ACB. Since the petitioner is in jail from 24.05.2022, the petitioner can be granted bail subject to conditions.

8. Accordingly, the Criminal Petition is allowed and the petitioner/Accused No.1 is granted bail subject to the following conditions:

- i) The petitioner/Accused No.1 shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for a like sum each to the satisfaction of Special Judge for SPE and ACB Cases at Karimnagar.
- ii) The petitioner/Accused No.1 shall appear before the ACB Karimnagar Police Station, Karimnagar District on every Monday and Wednesday between 10.30 AM and 01.00 PM for a period of three (03) months.

iii) Apart from the said two days if the investigation officer is required the presence of the petitioner/Accused No.1 on any other days, the petitioner shall appear and in the event of not following the conditions, the ACB is at liberty to seek cancellation of bail granted to this petitioner/Accused No.1.

iv) The petitioner/Accused No.1 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date: 04.07.2022
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K.SURENDER, J