

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 5534 of 2022

ORDER:

This Criminal Petition is filed under Section 437 & 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking to enlarge the petitioner/Sole accused on bail in connection with Crime No.3/RCT/ACB-NZB/2022, on the file of ACB, Nizamabad Range, Nizamabad, for the offences punishable under Section 7(a) of Prevention of Corruption Act, 1988.

2. Heard the learned counsel for the petitioner and learned Public Prosecutor for the respondent-State and perused the record.

3. The petitioner being a Panchayat Secretary is alleged to have demanded a bribe of Rs.20,000/- for issuance of property certificate in favour of deceased son-in-law of the defacto complainant. It is further alleged that even on prior occasion when application is made for sanction of widow pension, there was a demand of Rs.20,000/- and the petitioner refused to discharge his official duty unless amount was paid. Aggrieved by the said demand of bribe, a complaint was lodged to the ACB and the petitioner was trapped on 21.05.2022. An amount of Rs.7,000/- was recovered from the petitioner in the presence of mediators and

second mediators report was also prepared. The concerned files were seized during the course of investigation.

4. Learned Counsel for the petitioner submits that the petitioner is in jail since 20.05.2022 and the investigation is almost complete and even if he is released he will not be in a position to tamper any of the evidence.

5. Further, learned Public Prosecutor submits that the public servants such as these petitioners are a blot on society and for trying to take bribe from widowed women, the petitioner is not entitled to be released on bail.

6. As seen from the record, the trap proceedings were conducted in the presence of independent mediators and the concerned files were also seized. Since statements under Section 164 of both the witnesses is complete, the petitioner can be granted bail on the following conditions:

- i. The petitioner/Sole Accused is directed to be released on bail on his executing personal bond for Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for like sum each, to the satisfaction of Special Judge for Trial of SPE and ACB Cases, Karimnagar.
- ii. On such release, the petitioner/Sole Accused shall appear before the concerned Police Station on every Monday and Wednesday between 10.30 a.m. to 1.00

p.m. for a period of eight weeks for the purpose of investigation.

iii. The petitioner/Sole Accused shall not in any manner try to contact the defacto complainant or other witnesses, failing which the ACB is at liberty to seek cancellation of bail.

iv. The petitioner/Sole Accused shall comply with the conditions as laid down under Section 437 (3) of Cr.P.C.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

Date :06.07.2022
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K.SURENDER, J

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Dt.06.07.2022

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