

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION Nos.5752 & 5793 of 2022

COMMON ORDER:

Since both these criminal petitions arise out of the same crime, they are being disposed off by this common order.

2. These Criminal Petitions under Section 438 Cr.P.C., are filed by petitioners – Accused Officer Nos.1 and 2 respectively seeking bail in the event of their arrest in connection with Crime No.3/RCA-ACB-NLG/2022, pending on the file of ACB, Nalgonda Range, registered for the offence punishable under Section 13(1)(a)(b) read with 13(2) of Prevention of Corruption Act, 1988 (for short P.C.Act, 1988).

3. Heard learned counsel for the petitioners/Accused Officer Nos.1 and 2 and learned Special Public Prosecutor for the respondent-ACB. Perused the record.

4. The Anti-Corruption Bureau (for short 'A.C.B.'), Nalgonda Range, Nalgonda filed the complaint against the petitioners for the offence punishable under Section 13(1)(a)(b) read with 13(2) of P.C.Act, 1988, and having obtained Search Warrants from the Court on 02.05.2022 searched various places where the A.C.B., suspected that incriminating evidence regarding the disproportion of assets would be available. Accordingly, searches were conducted and during the course of searches in the presence of the daughter and son of the

petitioners several incriminating documents including Pattadar Pass Books, Bank Accounts, Agreements, gold jewellery ornaments purchased receipts are seized under made up a file. The petitioners were found in possession of expensive household articles, cars, etc.. It is also mentioned that Accused Officer No.1 did not obtain permission for purchasing the assets from the authorities and it has to be verified whether Accused Officer No.2 obtained permission or not. Further, both the petitioners purchased residential houses costing Rs.3.5 crores having obtained loan of Rs.2 crores from HDFC Bank. It is also mentioned in the counter that the petitioners purchased agricultural properties in the names of their children, who are the son and daughter and in whose presence the searches were conducted at the properties situated at Chivvemla Mandal, Suryapet District. From the year 2016 to 2021, both the petitioners purchased several properties and it was found that though Accused Officer No.2's brother was an agriculturist and had no specific regular income, transferred an amount of Rs.48,00,000/- from his account to Accused Officer No.2's account and an amount of Rs.73,00,000/- were paid to M/s.Aparna Constructions and Estates Private Limited. The Accused Officer No.1 purchased 11 acres of agricultural land in the year 2020 for a sale consideration of Rs.16,51,000/-. Accordingly, on the basis of the records including Pattadar Pass Books, Bank Accounts, Agreements, gold jewellery purchased receipts and cars found in possession of the

petitioners, inventory proceedings were made and the ACB Authorities concluded that at this juncture there is disproportionate of assets to the extent of Rs.2,04,83,622/-.

5. Learned counsel for the petitioners submits that the petitioners are Public Servants and even according to the ACB, searches were conducted and they are ready to assist the investigation.

6. Learned Special Public Prosecutor submits that during the course of searches several incriminating material was found and the petitioners may indulge in tampering the evidence.

7. Keeping in view the fact that several documents pertaining to the transactions are to the knowledge of the A.C.B., and the counter filed by the A.C.B. itself indicates that several transactions alleged to be 'Binami' and also as to how the properties were procured has to be now ascertained. In the present scenario, there is no possibility of the Investigating authorities ascertaining as to the correctness or otherwise of the documents seized. Further for the reason of the documents being in possession of ACB, it is necessary that these petitioners have to explain the said transactions.

8. In the said circumstances, the petitioners/Accused Officer Nos.1 and 2 can be granted the relief of Anticipatory Bail, on the following conditions:

- i) The petitioners/Accused Officer Nos.1 and 2 are directed to surrender before the Inspector of Police, Nalgonda Range, on 11.07.2022. On such surrender, the said Inspector of Police, shall release the petitioners/Accused Officer Nos.1 and 2 on bail, on their executing a personal bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) each with two sureties in a like sum each to his satisfaction.
- ii) On such release, the petitioners/Accused Officer Nos.1 and 2 shall appear before the said Inspector of Police, from 11.07.2022 to 15.07.2022 and from 18.07.2022 to 22.07.2022 between 10.00 AM and 1.00 PM, to assist the investigation. Thereafter, the petitioners/Accused Officer Nos.1 and 2 shall appear before the said Inspector of Police on every Monday, Wednesday and Saturday between 10.00 A.M. and 1.00 P.M., for a period of six weeks.
- iii) Needless to say, the petitioners/Accused Officer Nos.1 and 2 are entitled to their rights as accused, and the A.C.B. shall not use any third degree methods.
- iv) It is for the petitioners to explain regarding the documents seized and also all the information regarding the assets, income and expenditure, which are to the knowledge of the A.C.B..

- v) The petitioners/Accused Officer Nos.1 and 2 shall co-operate with the Investigating Authorities in investigating the case, failing which A.C.B. shall be at liberty to seek cancellation of bail.

Accordingly, these Criminal Petitions are allowed.

Miscellaneous applications, if any pending in these criminal petitions, shall stand closed.

K.SURENDER, J

Date :08.07.2022

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THE HON'BLE SRI JUSTICE K.SURENDER

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Dt.08.07.2022

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