

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No. 8900 of 2022****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking pre-arrest bail to the petitioners Nos.1 to 4 in the event of their arrest in connection with Crime No.36 of 2022 on the file of Station House Officer, SIT Police Station, Detective department, Hyderabad, registered for the offences punishable under Sections 420, 465, 467, 468, 471 and 120(b) read with Section 34 of Indian Penal Code.

2. Heard learned counsel for the petitioners and learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. The allegation against these petitioners is that they are complicit in issuing fake certificates to students.

4. Learned Assistant Public Prosecutor submits that earlier when the case was registered for the offences punishable under Sections 420, 465, 468, 471 and 120(B) read with 34 of IPC, the learned Special Sessions Judge for Fast Tracking the Cases relating to Atrocities against Women-cum-I-cum-X Additional Metropolitan

Sessions Judge, Hyderabad directed the police to follow the procedure under Section 41-A Cr.P.C. However, in the remand report dated 17.06.2022, the police added Section 467 of IPC which is punishable above seven years, for which reason, the Public Prosecutor submits that the procedure under Section 41-A Cr.P.C. cannot be asserted to be followed by the police.

5. Keeping in view, the petitioners being employees, the interest of justice would be met if they are directed to appear before the concerned police to assist investigation. The entire evidence is the documentary in nature, as such tampering of evidence cannot be suspected. For the said reasons, these petitioners can be granted the relief of anticipatory bail.

6. Accordingly, the Criminal Petition is allowed and the petitioners shall be enlarged on bail in the event of their arrest subject to the following conditions:

i) The petitioners are directed to surrender before the Station House Officer, SIT Police Station, Detective department, Hyderabad on 02.11.2022, and on such surrender, they shall be enlarged on bail on their executing personal bonds for a sum of Rs.50,000/- (Rupees

Fifty Thousand Only) each with two sureties for a like sum each (among which one local and one native surety), to its satisfaction.

ii) On such release, the petitioners shall appear before the concerned Station House Officer on every Monday for a period of four (04) weeks between 10.30 AM and 01.00 PM and thereafter as and when required for the purpose of investigation.

iii) In the event of the petitioners failure to surrender before the concerned Station House Officer and furnish the security on 02.11.2022, the order shall stand cancelled and the police are at liberty to take appropriate action against the petitioners.

iv) The petitioners shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

Miscellaneous applications, if any, pending shall stand closed.

Date: 21.10.2022
ns/rev

K.SURENDER, J