

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 10155 of 2021

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused No.2 in Crime No. 9/ACB-KNR/2021 on the file of ACB Karimnagar Range registered for the offences punishable under Sections 7(a) and 12 of Prevention of Corruption (Amendment) Act, 2021, seeking bail.

2. The case of prosecution is that on 27.11.2021, de facto complainant Sri Gaikwad Rajnikanth filed complaint stating that he is a Class – II registered contractor, Municipal Corporation, Ramagundam. It is alleged that he procured tenders for development works through nominations and he got two contract works for spraying sodium hypochlorite in Ramagundam Municipal Corporation limits. He started work on 01.06.2021 and completed on 06.08.2021, but he did not get any amount. It is further alleged that on 25.11.2021, he met petitioner along with his friend and enquired about the bill amount of Rs.9,26,798/- for which, petitioner demanded Rs. 1 lac as bribe.

3. Learned counsel for petitioner Sri M. Ram Mohan Reddy submits that as de facto complainant raised unauthorised construction, Accused No.1 being In-charge of Commissioner, Ramagundam Municipal Corporation issued several notices, and questioning the same, complainant approached this Court by filing Writ Petition No. 25672 of 2021, wherein *vide* order dated 11.10.2021 an interim order was passed directing the respondents therein not to take any coercive steps without issuing any prior

notice as required under the provisions of the Municipalities Act. Learned counsel submits that as Accused No.1, being the Municipal Commissioner, issued notices for demolition of the said building, complainant lodged the subject complaint on 27.11.2021. He submits that petitioner - Accused No.2 has been falsely implicated in this case. It is alleged that amounts are paid to this petitioner and he is unconnected with the alleged offence. It is submitted that petitioner is in jail from the last 34 days and that he is ready to cooperate with the Investigating Agency, hence, he may be enlarged on bail.

4. On the other hand, Sri T.L. Nayan Kumar, learned Standing Counsel submits that there is ample evidence in the form of audio and video to show that money was given to petitioner - Accused No.2. He submits that statement under Section 164 Cr.P.C. is yet to be recorded and at this stage, if petitioner is enlarged on bail, he may influence the witnesses and tamper with the evidence, as such, he is not entitled for grant of bail.

5. Taking into consideration the fact that petitioner is languishing in jail from the last 34 days and other circumstances, where earlier, complainant filed Writ Petition No. 25672 of 2021 and as already, prosecution collected the material evidence, this Court deems it appropriate to grant bail, on certain conditions.

6. The Criminal Petition is therefore, allowed. Petitioner – Accused No.2 shall be enlarged on bail in connection with Crime No. 9/ACB-KNR/2021 on the file of P.S. ACB, Karimnagar, on his executing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the

satisfaction of Special Judge for SPE & ACB Cases, Karimnagar. Petitioner shall cooperate with the Investigating Agency and he shall not tamper with the evidence or influence the witnesses and shall appear before the respondent authorities once in a fortnight i.e. on every 1st and 3rd Sunday between 10.00 a.m. and 02.00 p.m., till charge sheet is filed.

04th January 2022

LALITHA KANNEGANTI, J

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