

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10355 of 2022

ORDER:

1. Heard Sri T.Niranjan Reddy, learned Senior Counsel who appeared for the petitioner as well as the learned Special Public Prosecutor for ACB, who is representing the respondent.

2. Seeking post-arrest bail, the petitioner, who is arrayed as accused in Crime No.14/ACB-KNR/2022 of A.C.B Karimnagar Police Station, is before this Court.

3. Making his submission, learned counsel for the petitioner contends that this is a case of trap as per the version of the prosecution and indeed, the *de facto* complainant is not the person who handed over the alleged tainted money to the petitioner. Learned Senior Counsel also states that the petitioner is in judicial custody since 18.10.2022 and as the entire investigation is completed, the petitioner is entitled for bail. Learned Senior counsel also states that except under the special statutes i.e. under Narcotic Drugs and Psychotropic Substances Act, where Section 37 is mandated and under Prevention of Money

Laundrying Act, where following Section 45 of the said Act is contemplated, in all other cases, including cases under the Prevention of Corruption Act, the procedure prescribed has to be followed, more particularly, the mandatory requirement under Section 41-A Cr.P.C. Learned counsel states that police have arrested the petitioner without following such a procedure and thus, arrest itself is unlawful.

4. Per contra, the submission of the Special Public Prosecutor for ACB is that the case is under investigation and Section 161 Cr.P.C. statements of the witnesses are yet to be recorded and likewise, Section 164 Cr.P.C. statements are also to be recorded.

5. Disputing the submission thus made, learned Senior counsel states that when the petitioner moved an application for grant of bail before the Sessions Court, the same pleas were taken and therefore, the said application stood dismissed on 11.11.2022 and after twenty days, the same pleas are raised.

6. Learned Additional Public Prosecutor states that four witnesses are examined till now. But there is possibility of tampering with the evidence in case, the petitioner is enlarged on bail.

7. It is not in dispute that the petitioner is in judicial custody since more than forty days. When the order rendered by the Court of Special Judge for Trial of SPE and ACB cases, Karimnagar, in Crl.M.P.No.40 of 2022, dated 11.11.2022 is looked into, this Court finds justification in the submission of the learned Senior Counsel that the same pleas that were taken now by the respondent were taken during the course of hearing of the said Miscellaneous application also.

8. Having considered the said fact and the length of the custody of the petitioner and further, as no grounds, whatsoever, are convincingly projected for further detention of the petitioner in judicial custody, this Court considers desirable to honour the request of the petitioner, however, conditionally.

9. Resultantly, the Criminal Petition is allowed with the following conditions:-

- (i) The petitioner/Accused shall be enlarged on bail on his executing a personal bond for Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for like-sum each to the satisfaction of the Court concerned. The sureties are directed to submit their two latest passport size photographs at the time of furnishing solvency. One such photograph is ordered to be pasted in the Surety Register against the name of the surety. The other photograph shall be kept in the case record concerned.
- (ii) The petitioner/Accused shall report before the Station House Officer, A.C.B Karimnagar Police Station, on every Monday between 10.30 AM and 12.00 PM till filing of final report.
- (iii) The petitioner/Accused should not involve in any unlawful activity.
- (iv) The petitioner/Accused should afford all assistance for the proper investigation of the case.
- (v) The petitioner/Accused should not cause the evidence of the offence disappear.

- (vi) The petitioner/Accused should not tamper with the evidence in any manner.
- (vii) The petitioner/Accused should not by way of inducement, threat or promise, dissuade any person who is acquainted with the facts of the case, from disclosing such facts to the Court or to the Police Officer.
- (viii) In case the petitioner/Accused holds a passport, he shall surrender the same if the same is not seized till now.
- (ix) The petitioner/Accused shall not leave India without previous permission of the court concerned.
- (x) The petitioner/Accused should ensure his presence whenever required by the Court or Police.
- (xi) The petitioner/Accused shall file an affidavit before the Court concerned disclosing the following particulars:-
 - (1) Contact number
 - (2) Mail address
 - (3) Residential particulars.

In case, there is any change in the aforementioned details, the petitioner shall intimate the

Court concerned by giving a fresh affidavit duly mentioning the change. He shall continue to do so till filing of the final report.

Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:01.12.2022

Note:-Issue CC by today
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HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10306 of 2022

Date:01.12.2022

Note:-Issue CC by today
ysk