

THE HONOURABLE DR. JUSTICE D.NAGARJUN

CRIMINAL PETITION No.75 of 2023

ORDER:

This Criminal Petition is filed by the petitioner/Accused Officer No.2 under Sections 437 and 439 of the Criminal Procedure Code seeking regular bail in FIR No.05/ACB-ADB/2022 on the file of Anti Corruption Bureau, Adilabad Police Station, Adilabad District, registered for the offence punishable under Section 7(a) of the Prevention of Corruption Act, 1988.

02. Heard Sri C.Hari Preeth, learned counsel for the petitioner/Accused Officer No.2 as well as Sri Sridhar Chikyala, learned Special Public Prosecutor for respondent/ACB.

03. As per the prosecution version, on 22.11.2022 at 18:30 hours, the *de-facto* complainant has filed a complaint stating that the in the year 2016, he purchased a land to an extent of 10 acres in Survey No.128/C, Tungeda village Shivar, Rebbena Mandal of Asifabad District and when he

intended to sell the said land, one Sri Damodar Reddy approached the de-facto complainant to purchase the entire land and for survey of the land he has completed the formalities. Accordingly, on 20.11.2022, one Sri Gunavanth Rao, visited the land for survey and demanded Rs.20,000/- as a bribe for surveying the land and for sending the report to the Tahsildar Rebbena.

04. On persistent requests of the de-facto complainant, the accused officer No.1 reduced the bribe amount from Rs.20,000/- to Rs.15,000/-. Accordingly, an amount of Rs.15,000/- was given to the petitioner/Accused officer No.2, which were seized and trap was also recorded.

05. Learned Special Public Prosecutor for respondent/ACB has submitted that out of 09 witnesses, 07 witnesses were examined and statements under Section 164 of the Criminal Procedure Code were also recorded. There is no opposition coming from the part of the learned Special Public Prosecutor for respondent/ACB that in case if he enlarged on bail.

06. The only question which is to be considered is whether the presence of the petitioner/accused No.2 in the judicial custody is required even after examination of all material witnesses. As seen from the record, the Petitioner/Accused Officer No.2 is no way connected with official dealings of the accused officer No.1, he was only instructed by accused officer No.1.

07. Considering the facts and circumstances of this case, this Court is of the opinion that this is a fit case to enlarge the petitioner/Accused officer No.2 on bail.

08. Accordingly, the Criminal Petition is allowed and the petitioner/Accused officer No.2 is ordered to be enlarged on bail subject to the following conditions:

i) The petitioner/Accused officer No.2 is directed to be released on bail on his executing personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of learned Special Judge for SPE and ACB Cases at Karimnagar .

ii) On such release, as the petitioner/Accused

officer No.2 is directed to appear before the Anti Corruption Bureau, Adilabad Police Station, Adilabad District on every Monday between 10:00 AM to 12:00 PM., until further orders or until charge sheet is filed, whichever is earlier.

iii) The petitioner/Accused officer No.2 shall abide by the other conditions stipulated in Section 437(3) of the Criminal Procedure Code.

As a sequel, pending Miscellaneous Applications, if any, shall stand closed.

DR. D.NAGARJUN, J

Date: 18-Jan-2023
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