

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.647 of 2023

ORDER:

Heard Sri G.S.Prasen, learned counsel for the petitioner, as well as learned Additional Public Prosecutor who is representing the respondent-State.

2. This Criminal Petition is filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner.

3. Making his submission, learned counsel for the petitioner contends that though the petitioner is not arrayed as accused till now in the case in question i.e., in Crime No.482 of 2019 of Pet Basheerabad Police Station, Cyberabad, yet a notice under Section 41-A Cr.P.C. was issued to him and therefore, he apprehends that he will be figured as accused and would be arrested arbitrarily by Police and hence, he is before this Court for grant of pre-arrest bail. Learned counsel further submits that the petitioner has not committed any offence whatsoever and he, as Branch Manager of the bank, has processed the application that was forwarded to him and except that, he did not do any favour in respect of the person to whom the loan was sanctioned.

4. On the other hand, the submission of the Learned Additional Public Prosecutor is that basing on the recommendation of the petitioner, loan was sanctioned and subsequently, it has come to light that the Housing loan was sanctioned in respect of a flat which does not at all exist.

5. Learned counsel for the petitioner then brought to the notice of this Court the contents of the complaint, wherein it is indicated that the pre-sanction inspection of the security was done by one Branch Manager by name G.Ravi and gave his report and thereafter, the petitioner made recommendation for sanction of loan.

6. Having perceived the aforesaid fact and taking into consideration the apprehension of the petitioner, this Court is of the view that the request of the petitioner can be honoured, however conditionally.

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

- (i) The petitioner is directed to surrender before the Court concerned within ten (10) days. On such surrender, he shall be enlarged on bail on his executing a personal bond for Rs.25,000/- (Rupees Twenty five thousand only) with two

sureties for the 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) In case, the petitioner holds a passport, he is directed to surrender the same.

(iii) The petitioner should not involve in any unlawful activity.

(iv) The petitioner should afford all assistance for proper investigation of the case.

(v) The petitioner should not cause the evidence of the offence disappear.

(vi) The petitioner should not tamper with the evidence in any manner.

(vii) The petitioner 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) The petitioner should ensure his presence whenever required by the Court or Police.

(ix) The petitioner shall not leave India without previous permission of the court concerned.

(x) The petitioner shall report before the Station House Officer, Pet Basheerabad Police Station, Cyberabad, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioner 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.

8. As a sequel, miscellaneous petitions pending, if any,
shall stand closed.

Dr. JUSTICE CHILLAKUR SUMALATHA

08.02.2023
DR