

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION Nos.2467, 1971 & 1965 of 2023

COMMON ORDER:

Heard Sri M.P.Kashyap, learned counsel for the petitioners, as well as the learned Special Public Prosecutor for ACB who is representing the State.

2. Criminal Petition No.2467 of 2023 is filed on behalf of accused No.1, Criminal Petition No.1971 of 2023 is filed on behalf of accused No.2 and Criminal Petition No.1965 of 2023 is filed on behalf of accused No.3, all under Section 439 Cr.P.C. seeking to enlarge them, who are arrayed as accused in Crime No.1/ACB-ADB/2023 of Anti-Corruption Bureau, Adilabad Range, on bail.

3. The case of the prosecution, as could be perceived through the contents of Part-I Case Diary, is that the defacto complainant is running an Outsourcing agency. The said agency was empanelled by the District Collector, Adilabad. The District Employment Officer is empowered to allot contract works to the Outsourcing agencies. The defacto complainant approached the office of the District Employment Officer, Adilabad, to know about the details of

the work allotted to his agency. He was informed that his agency was given the work of supplying twenty four (24) Patient Care Providers to RIMS General Hospital, Adilabad. When he requested the District Employment Officer i.e., accused No.1 to give a copy of the order, the latter demanded bribe of Rupees Three lakhs. On that, the defacto complainant approached the Anti-Corruption Bureau Officials and gave complaint. Basing on the complaint given by the defacto complainant, a trap was laid. The currency notes with specific numerals were supplied to the defacto complainant and accused Nos.2 and 3, who received the said amount on the instructions of accused No.1, were caught and the tainted amount was seized.

4. Making his submission, learned counsel for the petitioners contends that the petitioners were arrested on 31.01.2023 and since then, they are in judicial custody and as the entire investigation is completed, they may be enlarged on bail.

5. Learned Special Public Prosecutor for ACB contends that the 164 Cr.P.C. statement of the defacto complainant was recorded. However, no charge sheet is laid till now.

6. Gone through the contents of the material available on record. Having perceived the fact that the material part of investigation is completed, this Court is of the view that the request of accused Nos.2 and 3 can be honoured. However, as the investigation is still pending and charge sheet is not yet laid, the prime accused i.e., accused No.1 cannot be enlarged on bail at this stage.

7. Resultantly, Criminal Petition No.2467 of 2023 is dismissed and Criminal Petition Nos.1971 and 1965 of 2023 are allowed, subject to the following conditions:-

- (i) The petitioners/accused Nos.2 and 3 shall be enlarged on bail on each of them executing a personal bond for Rs.50,000/- (Rupees Fifty 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 petitioners/accused Nos.2 and 3 hold passport(s), they are directed to surrender the same, if they were not seized by now.
- (iii) The petitioners/accused Nos.2 and 3 should not involve in any unlawful activity.
- (iv) The petitioners/accused Nos.2 and 3 should afford all assistance for proper investigation of the case.
- (v) The petitioners/accused Nos.2 and 3 should not cause the evidence of the offence disappear.
- (vi) The petitioners/accused Nos.2 and 3 should not tamper with the evidence in any manner.
- (vii) The petitioners/accused Nos.2 and 3 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 the Investigating Officer.
- (viii) The petitioners/accused Nos.2 and 3 should ensure their presence whenever required by the Court or the Investigating Officer.
- (ix) The petitioners/accused Nos.2 and 3 shall not leave India without previous permission of the Court concerned.

(x) The petitioners/accused Nos.2 and 3 shall report before the Deputy Superintendent of Police, Anti Corruption Bureau, Adilabad Range, on every Sunday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioners/accused Nos.2 and 3 shall file separate affidavits 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 petitioners shall intimate the court concerned by giving separate fresh affidavits duly mentioning the change. They 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

02.3.2023
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