

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 10364 OF 2023

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. by petitioners/Accused Nos.8, 11 and 12 seeking anticipatory bail in the event of their arrest in connection with Crime.No.152 of 2023 on the file of P.S.Ghanpur, Jayashankar Bhupalpally District, registered for the offence punishable under Section 379 of Indian Penal Code (for short 'IPC').

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent-State and perused the record.

3. The complaint was filed with the SHO, Ghanpur Police alleging that material of the department was subjected to theft. The value of the material subjected to theft was more than Rs.82,00,000/-. The said complaint was filed on 06.06.2023. During the course of investigation, the police identified the accused involved in

the said offence and they were remanded to judicial custody. Accused No.1 alleged to have confessed about the involvement of these petitioners, who are working as Assistant Divisional Engineers. Accordingly, in the alteration memo, the police had shown the name of these petitioners who are Assistant Divisional Engineers and some others also.

4. On the basis of the alteration memo reflecting the petitioners' names, this petition is filed apprehending arrest.

5. Learned counsel for the petitioners would submit that in fact they are the persons, who had lodged the complaint with the police alleging that material was subjected to theft, which was in possession of the Department.

6. Keeping in view that the petitioners have lodged the complaint, it appears that accused no.1 has deliberately implicated these petitioners in his confession.

7. Apart from the confession there is no other evidence against these petitioners, as such the relief of anticipatory bail can be considered and also for the reason of the petitioners being the complainants and now working as Assistant Divisional Engineers, subject to the following conditions:-

- 1) The petitioners/Accused Nos.8, 11 and 12 are directed to surrender before the Station House Officer, Ghanpur Police Station, Jayashankar, Bhupalpally District on or before 30.10.2023. On such surrender, the said Station House Officer shall release the petitioners on bail, on their executing personal bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties for a like sum each to their satisfaction.
- 2) On such release, the petitioners/Accused Nos.8, 11 and 12 shall appear before the concerned police on every Monday and Wednesday for a period of eight weeks for the purpose of investigation and thereafter, as and when required.

3) In the event of petitioners/Accused Nos.8, 11 and 12 failing to assist the investigation, the Police are at liberty to seek cancellation of bail granted.

4) The petitioners/Accused Nos.8, 11 and 12 shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.

8. Accordingly, this Criminal Petition is allowed. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

K.SURENDER, J

Date : 18.10.2023
dv

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 10364 of 2023

Dt. 18.10.2023

dv