

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 10857 OF 2023

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. by petitioner/Accused No.7 seeking anticipatory bail in the event of his 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'). In the remand case diary, the Police have altered the Section of law from Section 379 of IPC to Section 120-B, 409 and 420 of IPC.

2. Heard learned counsel for the petitioner 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 the 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 this petitioner, who is working as Assistant Engineer. Accordingly, in the alteration memo, the police had shown the name of this petitioner, who is Assistant Engineer and some others also.

4. On the basis of the alteration memo reflecting the petitioner's name, this petition is filed apprehending arrest.

5. Learned counsel for the petitioner would submit that in fact the petitioner along with other persons 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 petitioner has lodged the complaint, it appears that accused No.1 has deliberately implicated this petitioner in his confession.

7. Apart from the confession there is no other evidence against this petitioner and also for the reason of the petitioner being the complainant and now working as Assistant Engineer, the relief of anticipatory bail can be considered, subject to the following conditions:-

- 1) The petitioner/Accused No.7 is directed to surrender before the Station House Officer, Ghanpur Police Station, Jayashankar, Bhupalpally District on or before 14.11.2023. On such surrender, the said Station House Officer shall release the petitioner on bail, on his executing personal bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties for a like sum each to his satisfaction.
- 2) On such release, the petitioner/Accused No.7 shall appear before the concerned police on every Monday for a period of eight weeks for the purpose of investigation and thereafter, as and when required.

3) In the event of petitioner/Accused No.7 failing to assist the investigation, the Police are at liberty to seek cancellation of bail granted.

4) The petitioner/Accused No.7 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 : 07.11.2023
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Dt. 07.11.2023

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