

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.11043 OF 2023

ORDER:

1. This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner/Accused in Crime.No.04/RCO-CIU-ACB/2023 on the file of ACB CIU, Hyderabad, registered for the offence under Section 7(a) of the Prevention of Corruption Act, 1988 (for short 'the P.C. Act').
2. Heard learned counsel for the petitioner and learned Public Prosecutor for the respondent-ACB CIU and perused the record.
3. The case of the ACB is that when the *de-facto* complainant approached this petitioner, he demanded an amount of Rs.5,000/- to delete the names of five persons, who are arrayed as accused in Crime No.180 of 2023, on the file of Nawabpet Police Station. Thereafter, the petitioner allegedly reduced the bribe to Rs.2,00,000/-. The conversation between the *de-facto* complainant and the petitioner was also recorded. However, trap could not be laid due to election duty.

4. Learned counsel appearing for the petitioner would submit that mere demand is not an offence under Section 7 of the P.C.Act. Unless there is an attempt to obtain or a person obtains a bribe amount, the question of attracting an offence under Section 7 of the P.C.Act does not arise.

5. Learned Public Prosecutor on instructions would submit that ACB officials made an application before the concerned Magistrate for recording the statements under Section 164 Cr.P.C.

6. Admittedly, no amount was passed on by the *de-facto* complainant. In accordance with the illustration of Section 7 of the P.C.Act, demand is also an offence. However, since money was not passed on and the conversation of demand of bribe is with the investigating authorities, the relief of regular bail can be considered, subject to following conditions:-

- i) The petitioner/Accused shall execute personal bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with two sureties, for a like sum each to the satisfaction of the I Additional Special Judge for SPE & ACB Cases at Hyderabad.
- ii) The petitioner/Accused after release shall appear before the concerned Station House Officer everyday at

10:00 a.m. for a period of two weeks for the purpose of investigation and thereafter, as and when required.

iii) The petitioner/Accused shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

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

Date : 16.11.2023
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K.SURENDER, J

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Dt.16.11.2023

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