

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.12183 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/A1 in Cr.No.05/CIU-ACB/2023, registered for the offence U/s.7(a) of P.C.Act, 1988 (As amended in 2018) dt.17.11.2023 of ACB CIU, Hyderabad.
2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. The case of the prosecution is that the petitioner was working as Assistant Divisional Engineer, KPHB Sub Division, Kondapur Division, Medchal, Malkajgiri District. The defacto complainant applied for additional load and installation of commercial DTR (Transformer). There was a demand of Rs.2 lakhs for processing the said application seeking load enhancement. The demand of Rs.2 lakhs was made, subsequently reduced to Rs.1 lakh. On the date of trap Rs.50,000/- was paid to Accused No.2. The case of the prosecution is that on instructions of this petitioner A2 accepted the amount.

4. Learned Counsel submits that major part of the investigation is complete and it was Accused No.2 who had accepted the money, there is nothing on record to suggest that this petitioner was involved.

5. On the other hand learned Assistant Public Prosecutor would submit that four witnesses are yet to be examined, recording of statement under Section 164 of Cr.P.C of the defacto complainant is still pending and opposed bail application.

6. This Court earlier had directed that in such cases the statements under Section 164 of Cr.P.C has to be recorded at the earliest. Further the case is one of the circumstantial evidence. As seen from the Remand Report, major part of investigation is complete. Complaint, audio and video of the incident is available. All the relevant documents were seized.

7. In the said circumstances, this Court deems it appropriate to grant the relief of regular bail, subject to following conditions:-

- i) The petitioner/Accused No.1 shall execute personal bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties, for a like sum each to the satisfaction of I Additional Special Judge for SPE & ACB Cases at Hyderabad.

ii) The petitioner/Accused No.1 after release shall appear before the concerned Station House Officer on every Monday at 10:00 a.m. for a period of eight weeks and thereafter, as and when required, for the purpose of investigation.

iii) The petitioner/Accused No.1 shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

8. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

Date : 14.12.2023
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K.SURENDER, J

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Dt.14.12.2023

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