

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.991 OF 2024

ORDER:

This criminal petition is filed by the petitioner – Accused No.2 under Section 438 Cr.P.C. for grant of anticipatory bail in F.I.R. No.2/RCT-ACB-NLG/2024 on the file of ACB Police Station, Nalgonda Range, Nalgonda District, registered for the offences under Sections 7(b) and 12 of the Prevention of Corruption Act, 1988 (as amended in 2018).

2. The case of the prosecution in brief was that the accused No.1-The District Transport Officer (FAC), Bhongir, Yadadri Bhuvanagiri District in abuse of his official position, demanded Rs.5,000/- through his driver-private assistant Mr. S. Mallikarjun (petitioner-A2) in the form of bribe from the complainant as a reward for issuing an official favour i.e. cancellation of National Permit for the lorry bearing No.AP 16 TE 6646 and to return the original documents pertaining to cancellation of national permit of the lorry of the complainant.

3. The de facto complainant lodged a report on 06.01.2024 and also on 12.01.2024 and in response to his complaint dated

06.01.2024, the officials of ACB laid a trap on 12.01.2024 about 14.00 hours and apprehended AO1, A3 and A4 and recovered the tainted amount of Rs.5,000/- from the possession of A4. A2 was shown as absconding.

4. Heard the learned counsel for the petitioner-accused No.2 and the learned Standing Counsel and Special Public Prosecutor for ACB.

5. The learned counsel for the petitioner submitted that the petitioner was no way connected with the alleged offences. He was only working as a driver under AO-1. The entire investigation was completed. AO-1, A3 and A4 were also released on bail and prayed for grant of anticipatory bail to the petitioner.

6. Learned Special Public Prosecutor for ACB opposed grant of bail to the petitioner stating that the petitioner was very much present in the office on the date of laying trap i.e. on 12.01.2024 and he absconded on seeing the ACB officials. On the instructions of AO-1, A2 had asked the complainant to pay the bribe amount to A3 and A4 private persons, from whom the tainted amount was

recovered. As such, his role would need to be investigated and prayed to dismiss the bail application of the petitioner.

7. Perused the record. Considering that the entire investigation was completed and AO-1, A3 and A4 were also released on bail and nothing more need to be elicited from the petitioner-A2 and the entire evidence is based on documents, it is considered a fit case to enlarge the petitioner on anticipatory bail.

8. Accordingly, the Criminal Petition is allowed and the petitioner - accused No.2 is granted anticipatory bail subject to the following conditions:

- 1) The petitioner is directed to surrender before the Investigating Officer, ACB Police Station, Nalgonda Range, Nalgonda District, within a period of 15 days from the date of this order. On such surrender, the said Investigating Officer shall release the petitioner on bail, on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of the said Investigating Officer.
- 2) The petitioner shall abide by the conditions stipulated under Section 438(2) of Cr.P.C and shall

co-operate with the Investigating Officer in investigation of the case and shall appear as and when directed by the Investigating Officer.

Miscellaneous applications, pending if any, shall stand closed.

Dr. G.RADHA RANI, J

February 27, 2024
KTL