

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.1942 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.04/RCT-ACB-MBNR/2024 of ACB Police Station, Mahabubnagar Range, Mahabubnagar District, registered for the offences punishable under Sections 7(a) and 12 of the Prevention of Corruption Act, 1988.

2. The case of the prosecution in brief was that on 24.01.2024 at 16:00 hours, the complainant lodged a report before the ACB office stating that Sri D. Suresh, Sub-Inspector of Police of Mohammadabad Police Station was demanding to pay Rs.50,000/- for not registering a case against him, his wife and elder son in Crime No.12 of 2024 which was registered against his younger son for the offences under Sections 417 and 420 of IPC. Due to fear, he paid Rs.30,000/- through mediators, but 2-3 days later, the said S.I. made a call to the mediators and demanded to pay the remaining amount of Rs.20,000/- and was harassing him. Basing on the said report, the ACB officials conducted a trap and when the SI - AO-1 instructed the *defacto*-complainant to pay the bribe amount to A3 through AO-2, recovered Rs.20,000/- from the possession of A3, a private person and effected the arrest of AO-1. The case of the prosecution was that AO-2 was

a police constable working under AO-1 and was assisting AO-1 in his illegal activities.

3. Heard the learned counsel for the petitioner and the learned Special Public Prosecutor for ACB cases.

4. Learned counsel for the petitioner submitted that the petitioner was working as a police constable and was sub-ordinate to AO-1, the Sub-Inspector of Police, Mohammadabad Police Station. He was following the instructions and directions of AO-1. He neither demanded nor accepted the bribe amount from the *defacto*-complainant and had no power of any sort to do any official favour to the *defacto*-complainant. The petitioner had not committed any offence, if the petitioner was arrested and detained in jail, he would lose his job and prayed for grant of anticipatory bail to the petitioner.

5. Learned Special Public Prosecutor for ACB cases stated that the entire proceedings were video recorded and in the video recordings, the role of AO-2 was also specific that he directed the *defacto*-complainant to pay the amount to A3. On the instructions of AO-1 and AO-2 only the *defacto*-complainant paid the bribe amount to A3, from whom the tainted money was recovered and opposed grant of bail to the petitioner.

6. Perused the record.

7. Considering that AO-1 and A3 were taken into custody and the petitioner-AO-2 was not arrested on the date of trap and as he had not demanded or accepted the bribe amount and as no official favour was pending with him, it is considered fit to enlarge the petitioner on anticipatory bail on certain conditions.

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

- (i) The petitioner-accused No.2 is directed to surrender before the Station House Officer, ACB Police Station, Mahabubnagar Range, Mahabubnagar District within a period of fifteen (15) days from today, and on such surrender the Station House officer, ACB Police Station, Mahabubnagar Range, Mahabubnagar District 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 said Station House Officer.
- (ii) The petitioner-accused No.2 shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C. and shall appear before the Investigating

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

Miscellaneous applications, if any, pending, shall stand closed.

Dr. G. RADHA RANI, J

February 22, 2024

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