

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.2374 OF 2024

ORDER:

This Criminal Petition is filed under Section 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”) seeking regular bail to the petitioner-Accused Officer No.1 in Crime No.04/RCT-ACB-MBNR/2024 on the file of the 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 (as amended in 2018).

2. The case of the prosecution in brief was that the petitioner –AO-1, the Sub Inspector of Police of Mohammedabad Police Station in abuse of his official position demanded and accepted undue advantage in the form of bribe Rs.20,000/- from the complainant through his subordinates AO-2 and A3 for showing official favour i.e. not to harass the complainant and his family members, by not including their names as accused in Crime No.12 of 2024, in which the younger son of the complainant Ch. Srinivas Reddy was involved, for the offences under Sections 417 and 420 IPC on the file of Mohammedabad Police Station of Mahabubnagar District and was released on bail.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel and Special Public Prosecutor for ACB.

3. The learned counsel for the petitioner submitted that the petitioner-AO-1 never demanded any illegal gratification from any person. The Investigating Agency did not catch the accused red-handed. As seen from the remand report, it was clear that no bribe or tainted amount was recovered from the possession of the petitioner. The audio and video tape shown by the ACB officials would not disclose any incriminating material against the petitioner. No official favour was pending with the petitioner. The defacto complainant's son was arrested in Crime No.12 of 2024 and was produced before the Court and he was released on bail.

3.1 Learned counsel further submitted that without following the procedure, the ACB officials had issued notice under Section 41-A of Cr.P.C., and simultaneously had also issued notice under Section 50 of Cr.P.C. and arrested the petitioner. Accused No.2 was let off by the ACB. Accused No.3 was granted regular bail vide order dated 22.02.2024 in Crl.M.P. No.160 of 2024 and prayed for grant of bail to the petitioner.

4. Learned Standing Counsel and Special Public Prosecutor for ACB stated that as part of the investigation, the conversation that took

place between the AO-1 and the complainant was recorded with the help of electronic spy gadget on 27.01.2024. The same would show the involvement of the petitioner in the offence. The statement of the complainant was recorded under Section 164 Cr.P.C. by the Judicial Magistrate of First Class, Mobile Court, Mahabubnagar on 24.02.2024. The service particulars and job chart of AOs-1 and 2 needed to be collected from the Superintendent of Police, Mahabubnagar. The CDR particulars of cell phones of AO-1 and of the complainant also need to be collected and hence, prayed to dismiss the bail application of the petitioner.

5. Perused the record. Considering that the statement under Section 164 Cr.P.C. of the complainant was already recorded and A3 was also granted regular bail on 22.02.2024 in Crl.M.P. No.160 of 2024 and the release of the petitioner would not come in the way of conducting further investigation by the ACB officials, it is considered fit to enlarge the petitioner on bail.

6. In the result, the Criminal Petition is allowed and the petitioner – Accused Officer No.1 is granted regular bail subject to the following conditions:

- 1) The petitioner-AO-1 is directed to be released on bail on his executing a 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 the learned I-Additional Special Judge for SPE & ACB Cases, Hyderabad.

- 2) The petitioner-AO-1 shall abide by the conditions stipulated under Section 438(2) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

March 04, 2024
KTL

Dr. G.RADHA RANI, J