

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3136 OF 2024

ORDER:

This Criminal Petition is filed under Section 438 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”) seeking anticipatory bail to the petitioner-Accused No.3 in Crime No.288 of 2024 on the file of Uppal Police Station, Rachakonda, registered for the offences punishable under Sections 409, 420, 468, 471 read with 120-B of IPC and Section 13 of Prevention of Corruption Act.

2. The case of the prosecution in brief was that on 04.03.2024 at 20.15 hours, the *de-facto* complainant i.e., the Branch Manager of the State Bank of India, Ramantapur Branch lodged a report stating that he was authorized on behalf of the State Bank of India (SBI) to lodge the report. A1 to A4 along with some unidentified collaborators conspired together, cheated and caused wrongful loss to a tune of Rs.2,84,80,000/- to the SBI, Ramanthapur Branch and financially benefited themselves. Mr. Shaik Saidulu (A1), while working as MMGS III official at CCG Branch, in his period between July, 2023 and February, 2024 and Mr. Bhageerath Ganga Mallaiah (A2), who was also MMGS III official while serving as the Branch Manager of Ramanthapur Branch since 21.07.2023, colluded and forged and fabricated bank account statements and falsely determined loan eligibility and diverted

the sanctioned loan amounts to their accounts or to the accounts of their associates. A2, while serving as Branch Manager of Ramanthapur Branch approved 19 loans totaling Rs.2,84,80,000/- based on forged documents. In collusion with A1, they transferred the loan funds to various accounts and criminally misappropriated public funds. Basing on the said report, the above crime was registered against A1 to A4.

3. Heard learned counsel for the petitioner-A3 and learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner-A3 submitted that the petitioner was the wife of A1. She had nothing to do with the alleged transactions as per the complaint and FIR. The offences under Sections 409, 420, 468, 471 of IPC and Section 13 of the Prevention of Corruption Act were not applicable to her. She was a woman having two school going children aged 10 years and 8 years respectively. In the event of her arrest, there would be no one to take care of them. She was not having any criminal antecedents and prayed to enlarge the petitioner on anticipatory bail.

5. Learned Additional Public Prosecutor reported that criminal conspiracy under Section 120-B of IPC was invoked against all the four accused persons. The petitioner was one of the beneficiaries. Some

amounts were transferred to her account, as such, she was not entitled for anticipatory bail.

6. Perused the record. Considering the allegations made against her in the complaint, which would disclose that an amount of Rs.1,23,25,000/- was transferred to her account No.31840960418 of Ramanthapur Branch and subsequently, on the same day, they were transferred to the account of her husband, Shaik Saidulu to his ICICI Bank account and other than that nothing more was alleged against her and considering the submission of the learned counsel for the petitioner that the petitioner was not aware of transfer of funds to her account and as to how the alleged funds were transferred and who transferred the same to her account and considering that she had not withdrawn any of the amounts to consider her as a beneficiary and the allegations of forgery, criminal breach of trust, cheating and Section 13 of Prevention of Corruption Act were not applicable to her, as she was not a public servant and all the documents were in the custody of bank officers and there would be no scope of tampering any record and as it was also stated that her account was already blocked, it is considered fit to enlarge the petitioner on anticipatory bail on certain conditions.

7. Accordingly, the Criminal Petition is allowed and the petitioner -

accused No.3 shall be released on anticipatory bail subject to the following conditions:

- 1) The petitioner-Accused No.3 is directed to surrender herself before the Station House Officer, Uppal Police Station, Rachakonda, within a period of 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioner on bail, on her 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 said Station House Officer.
- 2) The petitioner-Accused No.3 shall abide by the conditions stipulated under Section 438(2) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

March 21, 2024
SS

Dr. G.RADHA RANI, J