

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3994 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner-sole accused under Section 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C.”) for grant of regular bail in Cr.No.01/ACB-RCA-KNR/2024 at P.S. ACB, Karimnagar Range, Karimnagar District, registered for the offences under Section 13(2) read with 13(1)(e) of the Prevention of Corruption Act, 1988 (for short, ‘P.C. Act’).

2. The case of the prosecution in brief was that on credible information that the accused officer was in possession of assets disproportionate to her known source of income by indulging in corrupt and dubious means, the DSP, ACB, Karimnagar Range, Karimnagar obtained search warrants and conducted simultaneous searches at the residential houses of the accused officer at Hanumakonda and at the houses of her relatives and close associates at five places on 13.03.2024 and seized several incriminating documents. They also searched the lockers pertaining to A.O. in the presence of the mediators and seized gold ornaments 1246.2 grams worth Rs.8,71,000/-. It was stated by the Investigating Officer that the total assets of the A.O. were arrived at

Rs.3,04,36,813/- and her known source of income was arrived at Rs.1,82,60,000/- and her total expenditure was Rs.2,24,80,000/-. The disproportionate assets were calculated as Rs.3,46,56,813/-. The accused officer was taken into judicial custody on 13.03.2024 and was produced before the Court.

3. Heard learned counsel for the petitioner/accused and the learned Special Public Prosecutor-cum-Standing Counsel for ACB.

4. Learned counsel for the petitioner submitted that there were fundamental flaws in assessing the alleged disproportionate assets. The figures arrived by the Investigating Agency was not on consideration of the facts. The Investigating Agency had not taken into consideration the earnings of the husband of the petitioner, who was working as lecturer since 1994 and had not taken into consideration that the son of the petitioner was working as a Software Engineer in United States of America and transferred Rs.79,14,557/- to the petitioner or to her husband. The alleged disproportionate assets arrived by the Investigating Agency was due to escalation of values of the properties.

4.1. He further submitted that the mother of the petitioner was a retired teacher, she was staying along with the family of the petitioner. Her

earnings were not taken into consideration for the purpose of assessing the disproportionate assets. The father-in-law of the petitioner was a retired Deputy Tahsildar retired in the year 2003 and his retirement benefits were also given to her husband. The Investigating Agency failed to take into consideration that both the parents of the petitioner were retired employees and their retirement benefits were also given to the petitioner. The husband of the petitioner was a LIC Agent and his income on the said aspect was also not considered and prayed to enlarge the petitioner-accused officer on bail.

5. Learned Special Public Prosecutor-cum-Standing Counsel for ACB opposed grant of bail to the petitioner stating that several witnesses were needed to be examined and several documents would need to be collected. The details regarding the sale agreements also would need to be ascertained and the statement of the witnesses to the sale deed agreements/sale deed were to be recorded. He further contended that the petitioner was working as M.R.O. and was in a position to influence the witnesses and opposed grant of bail to the petitioner.

6. Perused the record.

7. Considering that the evidence against the petitioner is of

documentary in nature and most of the documents are collected by the Investigating Officer during the searches conducted by the Investigating Agency in the house of the accused as well as the associates of the AO and the presence of the petitioner was not required for further investigation of the case and as the guilt or otherwise of the petitioner can be determined only after a full-fledged trial, it is considered fit to enlarge the petitioner-accused officer on bail on certain conditions.

8. Accordingly, this Criminal Petition is allowed and the petitioner/Accused shall be released on regular bail subject to the following conditions:

- i) The petitioner/accused shall execute 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 Special Judge for Trial of SPE and ACB Cases at Karimnagar.
- ii) The petitioner/accused shall not interfere with the investigation in any manner. If any, adverse reports are received against her, the bail granted is liable to be cancelled.
- iii) The petitioner/accused shall abide by the conditions stipulated in Section 437(3) of Cr.P.C..

Miscellaneous applications, pending if any, shall stand closed.

Date: 19.04.2024
SS

Dr. G.RADHA RANI, J