

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.5680 OF 2024

ORDER

Heard Mr. P.S.Rajasekhar, learned counsel for the petitioner and Mr.Sridhar Chikyala, Special Public Prosecutor for the ACB.

2. This petition is filed under Sections 437 and 439 of the Code of Criminal Procedure seeking regular bail.

3. The petitioner is accused No.3 in Cr.No.2/RCA-CIU-ACB/2024 on the file of the Police Station ACB, CIU, TS Hyderabad for the offence under Section 13(1)((b) r/w 13(2) and 12 of Prevention of Corruption Act,1988 and section 201 of Indian Penal Code, 1860.

4. The case of the prosecution is that the accused No.1, a public servant indulged in corrupt practices and acquired disproportionate of assets worth about Rs.2.91 Crores. The allegation against the petitioner is that he is one of the binamees of the accused No.1.

5. Learned counsel for the petitioner would submit that the petitioner though acquainted with the accused No.1 is no way involved in any of the alleged offences. Further the petitioner is aged 63 years and has heart ailment, underwent angioplasty, requires continuous medical attention. Further the petitioner is not a

public servant. However, he is ready to cooperate with the investigation and judicial process and would abide by any conditions that may be imposed. Further specified that all other accused including the prime accused and the accused who were in similar footing to that of petitioner were granted bail by the trial Court. Considering the parity prayed for grant of bail.

6. Learned Special Public Prosecutor for ACB opposed bail application and submitted that Section 164 Cr.P.C. statements of some of the witnesses are pending. However, admitted that all other accused were granted bail.

7. Having regard the age, reported health condition of the petitioner, the period undergone by him in judicial custody, the stage of investigation and as the accused who are facing self same allegations were granted bail, this Court is inclined to enlarge the petitioner on bail on the following conditions:

- i) Petitioner/Accused No.3 shall be released on bail, subject to his executing a personal bond for Rs.50,000/- (Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of the Principal Special Judge for trial of SPE & ACB Cases at Hyderabad.

- ii) Petitioner/accused No.3 shall make himself available for investigation/interrogation as and when required and shall appear before the trial Court on each day fixed unless personal presence is exempted.
- iii) The petitioner/accused No.3 shall not leave India without permission of the Court and shall deposit his passport and in case he does not possess a passport, he shall file an affidavit to that effect.
- iv) Petitioner/Accused No.3 shall not influence or intimidate any witnesses or tamper with the evidence of the prosecution.
- v) Petitioner/Accused No.3 shall not indulge in any illegal activity.
- vi) In case, petitioner/Accused No.3 commits breach of any of the above conditions, the bail granted is liable to be cancelled at the instance of the prosecution.

8. Accordingly, the Criminal Petition is allowed.

Pending miscellaneous applications, if any, in this Criminal Petition shall stand closed.

N.TUKARAMJI, J

Date:10.06.2024
ccm