

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.12847 of 2024

ORDER:

This Criminal Petition is filed by the petitioner – accused under Sections 480 & 483 of BNSS for grant of regular bail in FIR No.19/RCT-CR-1/2024 dated 19.10.2024 on the file of the learned Principal Special Judge for SPE & ACB cases at Hyderabad, registered for the offence under Section 7(b) of the Prevention of Corruption Act, 1988 (as amended in the year 2018).

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

3. Learned counsel for the petitioner submitted that the petitioner – accused was arrested in a trap case on 18.10.2024. The petitioner was working as a Section Officer in Consumer Affairs, Food & Civil Supplies (CS-1) Department, Secretariat, Hyderabad. The allegation against the petitioner was that on 15.10.2024, the *de-facto* complainant, who was a retired legal Metrology Inspector approached him, as disciplinary action was initiated against him and charges were framed. Later, the Government reviewed the suspension order proceedings and reinstated him into service on 26.03.2020 and he was retired from service on 31.03.2020 on attaining the age of superannuation. Thereafter departmental proceedings initiated against him were also dropped. On 06.04.2023, the *de facto* complainant addressed letters to the Controller of Legal

Metrology to release his retirement benefits and the Controller, Legal Metrology, Hyderabad addressed a letter to the Government seeking clarification on his suspension period from 21.11.2019 to 27.03.2020 for sanction of retirement benefits. On that, the complainant visited the Secretariat several times and met the petitioner / AO with a request to complete his work. But his file was not processed and on 29.08.2024, when the *de facto* complainant met the petitioner / AO, the AO demanded him to pay bribe amount of Rs.20,000/-. As the complainant was reluctant to give the bribe amount, he approached the Deputy Superintendent of Police, ACB to take necessary legal action and basing on the complaint of the *de facto* complainant, a trap was arranged on 18.10.2024. The petitioner – accused was caught while receiving the amount and he was arrested on 18.10.2024.

3.1. Learned counsel for the petitioner further submitted that the petitioner / AO had not made any demand and the amount was voluntarily given by the *de facto* complainant. A false case was foisted against the petitioner. There was no official favour pending with the petitioner / AO. Only after the work was completed, the *de facto* complainant voluntarily tried to give the amount, which was not accepted by the petitioner / AO. Only his left hand fingers touched the paper, which yielded positive result and prayed to enlarge the petitioner on bail.

4. Learned Additional Standing Counsel cum Special Public Prosecutor for ACB submitted that two official favours are pending with the petitioner / AO.

There was audio recording with regard to the AO demanding the amount. The AO accepted the tainted currency. The chemical test also yielded positive result. Investigation is not yet completed. 3 out of 7 witnesses were only examined and requested to dismiss the bail application of the petitioner.

5. Considering the submissions of both the learned counsel and the facts and circumstances of the case and that the presence of the petitioner / AO is not required for any further investigation and as he was in custody for the last three (03) weeks, it is considered fit to enlarge the petitioner / accused on bail.

6. In the result, the Criminal Petition is allowed directing the petitioner to be released 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 the learned Principal Special Judge for SPE & ACB cases at Hyderabad. The petitioner – accused shall comply with the conditions laid down under Section 480(3) of BNSS.

As a sequel, miscellaneous applications pending in this petition, if any shall stand closed.

Dr. G. RADHA RANI, J

Date: 07th November, 2024
Nsk.

