IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WEDNESDAY, THE NINETH DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE
:PRESENT:
THE HONOURABLE SRI JUSTICE T MALLIKARJUNA RAO

CRIMINAL PETITION NO: 2163 OF 2025

Between:

M D Suhel Pasha, S/o C Aslam Pasha, Aged about 44 years, R/o D.No. 3-50, Dandigeri, Kurnool town and district.

...Petitioner/Accused No.12

AND

The State of Andhra Pradesh, Through S.H.O CID P.S, Mangalagiri Represented by P P High Court of Andhra Pradesh, Amaravathi.

...Respondent

Petition under Section 438 of Cr.P.C & 482 of BNSS praying that in the circumstances stated in the memorandum of grounds filed in support of the Criminal Petition, the High Court may be pleased to enlarge the Petitioner who is arrayed as Accused no. 12 on Anticipatory Bail in the event of his arrest in Crime vide FIR No. 01 of 2021 dated 01.01.2021 on the file of CID, Police Station, Mangalagiri, Guntur District for offences punishable under Sections 420, 409 r/w 120(B) IPC.

The Petition coming on for hearing, upon perusing the Petition and the memorandum of grounds filed in support thereof and upon hearing the arguments of M/s AYESHA AZMA S Advocate for the Petitioner, and of PUBLIC PROSECUTOR, for the Respondent;

APHC010103402025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3369]
(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF APRIL
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THE HONOURABLE SRI JUSTICE T MALLIKARJUNA RAO

CRIMINAL PETITION NO: 2163/2025

Between:

M D Suhel Pasha ...**PETITIONER/ACCUSED**

AND

The State Of Andhra Pradesh ...**RESPONDENT/COMPLAINANT**

Counsel for the Petitioner/accused:

1. AYESHA AZMA S

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

The Court made the following:

1. The Criminal Petition, under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') is filed on behalf of the petitioner/A12 to grant anticipatory bail in connection with Crime No.1 of 2021 of CID Police Station, Mangalagiri, Guntur District.

2. A case has been registered against the petitioner herein and others for the offence punishable under Sections 420, 409 r/w 120B of Indian Penal Code, 1860 (for short, 'IPC').

3. The Prosecution's case is that between 26.11.2018 and 23.07.2019, the accused engaged in cheating and misappropriated funds from the AP State Urdu Academy in a criminal conspiracy. The case was reported on 01.01.2021 by the Director/Secretary (FAC) of the Academy. The accused, A.1 (Director/Secretary) and A.2 (Accounts Officer), committed financial irregularities including: (1) enhancing employee salaries without board approval or government financial concurrence, causing a loss to the Academy; (2) creating fake salary bills for favored employees and contractors, leading to the withdrawal of approximately Rs.4/- Crores without settling pending debts; and (3) preparing fraudulent bills for one-time payments to unappointed workers, embezzling the funds and causing financial loss to the Academy.

4. The learned counsel for the petitioner contends that the petitioner was not initially named as an accused in the FIR. It was only through a prosecution memo that his name appeared as A.12. The allegation is that the petitioner, an office assistant, withdrew Rs.5/- lakhs thrice in April 2019 from a Kurnool bank account and handed it to A.2. However, the petitioner is an in-charge faculty and, at most, may have acted under instructions from a superior. No other accused has confessed to any involvement of the petitioner. A.1, his superior, has confirmed that the petitioner withdrew the amount under direct orders and could not have done so independently due to his position. The investigation, presumed to be nearly complete since 2021, does not justify the petitioner's custody. The petitioner is a respected citizen and fears being falsely implicated due to his association with the Academy. The petitioner is not directly involved in the alleged offence.

5. On the other hand, the learned Assistant Public Prosecutor, appearing for the Respondent/State, opposes the grant of anticipatory bail on the ground that the investigation is still pending.

6. I have heard both sides. Learned counsel on both sides reiterated their submissions on par with the contentions presented in the Petition as well as in

the Report. Consequently, the contentions presented by the learned counsel need not be reproduced.

7. In ***Mahipal V. Rajesh***[1], the Hon'ble Apex Court held that it is necessary for the Court, while considering a bail application, to assess whether, based on the evidentiary record, there existed a *prima facie* or reasonable ground to believe that the accused has committed the crime. It is settled law that when granting bail, a detailed examination of the evidence and elaborate documentation of the case's merits has not to be undertaken. That did not mean that whilst granting bail, some reasons for prima facie concluding why bail was being granted did not have to be indicated

8. It is settled law that while considering the prayer for grant of anticipatory bail, the nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made. In the event of there being some doubt as to the genuineness of the prosecution, the normal course of events, the accused is entitled to an order of anticipatory bail. The Court must adequately exercise its jurisdiction to protect the personal liberty of a citizen. It is also a well-accepted principle that bail is the rule and the jail is the exception. Arrest should be the last option, and it should be restricted to those exceptional cases where arresting the accused is imperative based on the facts and circumstances of that case.

9. The learned counsel for the petitioner submits that the present petitioner's case is on the same footing as that of A.3 to A.8, A.13, A.15, and A.16. To support this contention, the petitioner's counsel relied on the remand report pertaining to A.9 and A.10 in Cr.No.1 of 2021 and submitted that the present petitioner was initially examined as LW.20. In the remand report concerning A.9 and A.10, the accusations made against LW.20 were referred to. Furthermore, the petitioner's counsel highlighted that LW.20 is shown as A.12. To determine whether the facts of the present petitioner's case are

[1] (2020) 2 SCC 118

indeed comparable to those of the other accused, I have carefully examined the accusations made against them.

10. A reading of the material clearly indicates that nearly identical accusations have been made against the accused. The main allegation appears to be that they withdrew and received funds, which were subsequently handed over to A.2. The record indicates that A.1 is the Director of A.P. Urdu University and A.2 is the Accounts Officer. This Court, while passing anticipatory bail orders in Crl.P.No.2202 and 2205 of 2025, dated 03.04.2025, noted in paragraph No.4 that the remand report and documentary evidence show the involvement of A.9 and A.10 alongside A.1 and A.2. Since the case of the present petitioner is on the same footing as that of A.3 to A.8, A.13, A.15, and A.16, who were granted anticipatory bail by this Court in reference to the orders in Crl.P.Nos.2202 and 2205 of 2025, this Court finds that the same benefit should be extended to the present petitioner.

11. At this stage, the allegations against the petitioner are subjected to the trial's outcome. It is settled law that mere apprehension that the accused would tamper with the prosecution evidence or intimidate the witnesses cannot be a ground to refuse bail unless the prosecution shows that the accused tried for such tampering/intimidation.

12. It is not the prosecution's case that the petitioner failed to cooperate with the investigation, and he is not available for interrogation. There is no indication of a likelihood that the petitioner would abscond from the jurisdiction of the Court. The petitioner has expressed willingness to cooperate with the investigation agency. The object of the bail is neither punitive nor preventative. The likelihood of levying accusations with the intention of harming or embarrassing the petitioner through potential arrest is not improbable.

13. Given the facts and circumstances of the case coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this

case, this Court views that even if the petitioner is granted pre-arrest bail, there cannot be any apprehension for the prosecution that he will tamper with the evidence. The material placed on record discloses that the petitioner has permanent abode. The facts do not warrant custodial interrogation of the petitioner in the nature of the accusations. Granting anticipatory bail to the petitioner would not impede the ongoing investigation. Therefore, if the petitioner is granted anticipatory bail subject to appropriate conditions, it would safeguard the interest of the prosecution and meet the ends of justice.

14. Upon careful review of the available material, as there is no risk of interference with the ongoing investigation by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner/A.12 under the following conditions:

(i) In the event of his arrest, the petitioner / A.12 shall be released on bail on executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties for the like sum each to the satisfaction of the arresting police officials.

(ii) The petitioner shall appear before the Station House Officer concerned, once in a week i.e., on every Sunday between 10.00 AM and 05.00 PM till filing of the charge sheet.

(iii) The petitioner shall make himself available for investigation as and when required and that he shall not cause any threat, inducement or promise to the prosecution witnesses.

15. It is explicitly clarified that the observations made in this Order are preliminary and pertain solely to the decision on the present application without indicating a stance on the case's merits. The Investigating Agency is affirmed to have the freedom to investigate without being influenced by the observations in this Order.

16. Accordingly, the Criminal Petition is ***allowed***.

Miscellaneous applications pending, if any, in this Criminal Petition, shall stand closed.

SD/-U.SRI DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

Fo SECTION OFFICER

To,

1. The Station House Officer, CID Police Station, Mangalagiri, Guntur District
2. One CC to M/s AYESHA AZMA S, Advocate [OPUC]
3. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh [OUT]
4. **One spare copy**

PSR

HIGH COURT

TMR,J

DATED:09/04/2025

ANTICIPATORY BAIL ORDER

CRLP.No.2163 of 2025



ALLOWED