

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.6878 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner/accused No.2, seeking anticipatory bail in Crime No.420 of 2023 of Ghatkesar Police Station, Rachakonda Commissionerate registered for the offences punishable under Section 409 of the Indian Penal Code, 1860.

2. Heard Mr.C.Hari Preeth, learned counsel for the petitioner and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3. The case of prosecution in brief is that on 12.05.2023 at 17.45 hours G.Malla Reddy, Panchayat Secretary, Gram Panchayat, Edulabad, Medchal-Malkajgiri District, lodged a complaint stating that illegal constructions are being encouraged in Edulabad village by issuing fake receipt books and not conducted Gram Sabhas and upon which District Rural Development Officer was appointed as Enquiry Officer to enquire into the allegations levelled against the Sarpanch, Panchayat

Secretary and Bill Collector of Edulabad Gram Panchayat and a notice was issued by District Rural Development Officer and Enquiry Officer to Kaleru Suresh/Sarpanch, who is the petitioner herein and Sri Rajinikar Reddy/Bill Collector/A-3 of Edulabad Gram Panchayat to attend for enquiry on 01.02.2023 and after conducting enquiry, statements were recorded and connected records were seized from Gram Panchayat for verification and Smt.K.Padmaja Rani, the District Rural Development Officer and Enquiry Officer, Medchal Malkajgiri District has submitted enquiry report and the following points have been established. Basing on her enquiry report against the Bill Collector: an amount of Rs.3,02,385/- has been collected by the Bill Collector/Sri Rajinikar Reddy and the amount has not been remitted into the Gram Panchayat account and further sum of Rs.14,23,117/- has been collected and not remitted to the Gram Panchayat Account and hence total amount of Rs.17,25,502/- having been collected did not remit to the Gram Panchayat Account and that the Divisional Panchayat Officer instructed to initiate action against Sri Rajinikar Reddy (Bill Collector) and submit action report and that the said Rajinikar Reddy is not a regular

Government Employee and he is an employee appointed by the Gram Panchayat and he is involved in financial misappropriation, the Sarpanch and Ward Members in its Panchayat Meeting dt. 10.05.2023 made a resolution unanimously for removal of Rajinikar Reddy/Bill Collector and therefore requested to register a criminal case against Sri Rajinikar Reddy/Bill Collector, Edulabad. Basing on the above said Complaint, the present crime was registered for the aforesaid offences.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and he was falsely implicated in the present crime. Even according to the entire allegations made in the complaint, the only allegation levelled against the petitioner is that he being the Sarpanch of Gram Panchayat, Edulabad has not conducted Gram Sabhas within the stipulated time and therefore, exercising the powers conferred under the Telangana Panchayat Raj Act, 2018, (for short, 'the Act') the Additional Collector (Local bodies), Medchal-Malkajgiri removed the petitioner from the post of Sarpanch. Aggrieved by the said order, the petitioner has approached this Court and filed Writ Petition No.24751 of 2023 and

this Court while ordering notice before admission, suspended the order passed by the respondent No.3 therein and the above said interim order is continued. By virtue of the said interim order, the petitioner is continued as Sarpanch till completion of his tenure. The petitioner is not aware about the present crime and he came to know about this case when accused No.3 was arrested on 17.05.2025 only. The petitioner is aged about 67 years and suffering with old age ailments and he is not having any criminal antecedents and he is ready and willing to cooperate with the investigation and he will abide by the conditions, which are going to be imposed by this Court. Hence, prayed to grant anticipatory bail to the petitioner.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner and other accused have committed a grave offence while granting illegal building permissions and issued fake receipts and also fake building permissions and the investigation is under progress. Therefore, if the petitioner is granted anticipatory bail, he will interfere with the investigation and influence the witnesses. Hence prays to dismiss the petition.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that basing on the complaint lodged by the Panchayat Secretary, Gram Panchayat, Edulabad, the present crime was registered on 12.05.2025 against the petitioner and others. The record further reveals that Additional Collector (Local Bodies), Medchal Malkajgiri District had initiated the proceedings against the petitioner and he was removed from the post of Sarpanch through proceedings dated 01.09.2023 exercising the powers conferred under the Act. Aggrieved by the said order, the petitioner has approached this Court and filed Writ Petition No.24751 of 2023 and this Court suspended the impugned order passed by the Additional Collector (Local Bodies), Medchal Malkajgiri District and by virtue of the said interim order, the petitioner is continued as Sarpanch. Even according to the learned Additional Public Prosecutor, the petitioner is not having any criminal antecedents and 18 witnesses were already examined and major part of the investigation is completed.

7. Taking into consideration the facts and

circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner/accused No.2, subject to the following conditions:

- i) The petitioner/accused No.2 is directed to surrender before the S.H.O., Ghatkesar Police Station, on or before 24.06.2025 and on such surrender, the Station House Officer is directed to release the petitioner on bail on his executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty thousand only), with two sureties for a like sum each to his satisfaction.
- ii) After release, the petitioner/accused No.2 shall appear before the concerned S.H.O. at 11-00 a.m. on every Monday for a period of eight weeks or till filing of charge sheet, whichever is earlier, for the purpose of investigation and thereafter, as and when required.
- iii) After release, the petitioner/accused No.2 shall not interfere with the investigation or influence the witnesses.
- iv) After release, the petitioner/accused No.2 shall abide by the conditions stipulated under Section 482 (2) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

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

JUSTICE J.SREENIVAS RAO

Date: 17.06.2025
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