

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.7365 of 2025

Order:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarika Suraksha Sanhita, 2023 (for short, 'BNSS') seeking anticipatory bail to the petitioner/accused No.1 in Crime No.420 of 2023 of Ghatkesar Police Station, Medchal Malkajgiri District, registered for the offence punishable under Section 409 of the Indian Penal Code, 1860 (for short 'IPC').

2. The case of the prosecution is that on 12.05.2023 at about 17:45 hours, the Panchayat Secretary (FAC), Edulabad Gram Panchayat, lodged a complaint alleging illegal constructions in the Edulabad Village and misuse of fake receipt books without conducting Gram Sabhas and in the enquiry, as ordered by the District Collector against the Sarpanch, Panchayat Secretary and Bill Collector of Edulabad Gram Panchayat, the District Rural Development Officer (DRDO), who was appointed as the enquiry officer, submitted

a report confirming that the Bill Collector misappropriated a total sum of ₹17,25,502/- by not remitting collected amounts to the Gram Panchayat account and subsequently, the Gram Panchayat unanimously passed a resolution on 10.05.2023 for his removal from service and requested for criminal action. Based on the aforesaid complaint, the present crime has been registered.

3. Heard Mr. Adhi Venkateshwara Rao, learned counsel for the petitioner/accused No.1 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and the only allegation levelled against her is that she along with the other accused issued illegal building permissions and committed fraud of Rs.17,25,502/-. Learned counsel further submits that the District Collector, (Panchayat Wing), Medchal Malkajgiri District, in exercise powers conferred under the provisions of the Telangana Panchayat Raj Act, 2018, initiated disciplinary

proceedings and the enquiry officer confirmed that the illegality has been committed by the Bill Collector alone but later the petitioner was arrayed accused No.1 and proceeding dated 01.09.2023 was issued by the District Collector, placing her under suspension on the ground that she committed irregularities while discharging her duties as Panchayat Secretary. Aggrieved by the same, the petitioner filed W.P.No.25821 of 2023 and this Court, while ordering Notice before Admission, granted interim suspension of the proceeding dated 01.09.2023 and the said interim order is subsisting as on date. Learned counsel further submits that the petitioner is regularly attending her duties and she is not aware of the present crime and she came to know about the same when accused No.3 was arrested on 17.05.2025 and she is not having any criminal antecedents and she is ready and willing to willing to cooperate with the investigation and abide by the conditions as may be imposed by this Court and prays to grant anticipatory bail.

5. On the other hand, learned Additional Public Prosecutor submits that the petitioner and other accused have committed grave offence by granting illegal building permissions and issuing fake receipts and the investigation is under progress and therefore, if the petitioner is granted anticipatory bail at this stage, there is every chance of her influencing the witnesses and interfering with the investigation. Hence, prays to dismiss the petition.

6. Having considered the rival submissions made by respective parties and after perusal of the material available on record, it reveals that based on the complaint lodged by the Panchayat Secretary (FAC), Edulabad, the present crime was registered and the enquiry ordered by the District Collector (Panchayat Wing) resulted in dismissal of Bill Collector from service and suspension of the petitioner *vide* proceeding dated 01.09.2023. However, in W.P.No.25821 of 2023, filed by the petitioner, an interim order of suspension was granted on 15.09.2023 which is subsisting. Even according to the

learned counsel for the petitioner, the petitioner is regularly attending her duties and hence the allegation made by the prosecution that the petitioner is absconding and not cooperating with the investigation is untenable. The record further reveals that accused No.2 approached this Court by filing Crl.P.No.6878 of 2025 for grant of anticipatory bail and the same was allowed on 17.06.2025.

7. In view of the same, this Court is inclined to grant anticipatory bail to the petitioner/accused No.1, subject to the following conditions:

- i. The petitioner/accused No.1 shall surrender before the Station House Officer, Ghatkesar Police Station, on or before 02.07.2025, and on such surrender, the said Station House Officer shall release the petitioner/accused No.1 on bail on her executing a personal bond for Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, for a like sum each.
- ii. On such release, petitioner/accused No.1 shall appear before the Station House Officer, Ghatkesar Police Station, on every Sunday

at 11:00 a.m. for a period of eight (8) weeks or till filing of the charge sheet, whichever is earlier, for the purpose of investigation, and thereafter, as and when required.

iii. After release, the petitioner/accused No.1 shall not influence the witnesses or interfere with the investigation.

iv. Petitioner/accused No.1 shall abide by the conditions stipulated under Section 482(2) of BNSS and shall cooperate with the Investigating Officer in the investigation.

8. Accordingly, the Criminal Petition is allowed.

As a sequel, miscellaneous petitions, pending if any, stand closed.

Date: 25.06.2025
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J.SREENIVAS RAO, J