

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.15988 of 2024

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner, who is arrayed as accused No.1 in CC.No.1272 of 2021 before the Nalgonda I Town Police Station, Nalgonda District on the file of the Judicial Magistrate of First Class, Nalgonda.

2. The brief facts of the case are that on 24.03.2020, D. Vishnuvardhan Reddy, Additional Project Director, DRDA Nalgonda, submitted a letter to Nalgonda 1 Town Police Station, bringing to their attention an adverse news article published in Andhra Jyothi daily newspaper on 10.11.2019. The article alleged that funds meant for the Integrated Watershed Management Programme (IWMP)/Pradhan Mantri Krishi Sinchayee Yojana (PMKSY) Watershed Development Fund (WDF) were transferred to a private person's State Bank of India (SBI) account. Following this, an inquiry Officer, Smt G. Sangeeta Lakshmi, District Horticulture & Sericulture

Officer, Nalgonda, was appointed to conduct a detailed inquiry. The inquiry Officer submitted a report on 15.02.2020 which found that Sri M. Ravi Kumar, Project Officer, Watershed Works Component (WWCC), Devarakonda, was involved in misappropriating PMKSY funds by diverting Rs.10.72 lakhs to the SBI account of Sri Azmeera Ram Babu, an unauthorized person. The inquiry Officer recommended taking necessary action to trace Sri Azmeera Ram Babu, whose account received the funds, to disclose the reasons behind the transactions and his associates among department officials. Based on these allegations, a chargesheet was filed. Aggrieved thereby, this criminal petition is filed.

3. Heard Sri S.Goutham, learned counsel for petitioner, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for respondent State.

4. Learned counsel for the petitioner submitted that the petitioner, a former Project Officer on a contract basis with the District Rural Development Agency, Nalgonda, was falsely implicated in the case for alleged offences, and that there is no material evidence to prove the relation of petitioner with to

Mr. Azmeera Rambabu, to whom the Government funds were transferred. He asserted that the petitioner was only the verifying authority, and the actual process of transferring funds involved three individuals, including the Computer Operator who entered the beneficiary account details. He lamented that the report of the Enquiry Officer stated that the petitioner did not intend to misappropriate funds, and that the petitioner has already paid back the amount of Rs.10,72,694/-. He averred that the chargesheet lacks substantive evidence to establish a conspiracy between the petitioner and Accused No. 2, and that the petitioner, being a law-abiding citizen, is willing to cooperate with the investigation and abide by the court's conditions. He averred that the first bail application was dismissed, and that there is a likelihood of apprehension and irreparable loss if anticipatory bail is not granted. Therefore, prayed this Court to allow the criminal petition, granting the relief of anticipatory bail to the petitioner.

5. On the other hand, learned Additional Public Prosecutor opposed the anticipatory bail petition stating that the allegations leveled against the petitioner are serious in nature

which would clearly show his direct involvement in transferring Government funds to an account of other person. Therefore, he prayed the Court to dismiss the Criminal Petition.

6. Having regard to the rival submissions made and on going through the material placed on record, it is noted that in the chargesheet it is clearly mentioned that the petitioner/A1 has refunded his misappropriated amount of Rs.10.72,694/- in favour of DRDO, DRDA, Nalgonda, through cheque No.504174 of ICICI Bank. Considering the said fact, this Court deems it fit to grant pre-arrest bail to the petitioner, subject to compliance of following conditions, and ensuring his presence during the investigation and trial:

- i. The petitioner shall surrender before the Station House Officer, Nalgonda I Town Police Station, Nalgonda District, within two weeks from today, and on such surrender, the said Station House Officer shall release him on bail, on petitioner executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.

- ii. The petitioner shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and co-operate with the Investigating Officer in investigating the case.

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 08.01.2025
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