

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI

HON'BLE SRI JUSTICE K. SURESH REDDY

CRIMINAL PETITION No.5540 of 2023

ORAL ORDER:

The sole accused in Crime No.75 of 2023 of B. Kothakota Police Station, Annamayya District, filed the present petition under Section 438 Cr.P.C., seeking pre-arrest bail.

2. The above crime was registered for the offences punishable under Sections 420 and 409 I.P.C.

3. The above crime was registered on the basis of the complaint lodged by the Branch Manager, Indian Bank, Kothapet Street, B. Kothakota, Chittoor District, stating that the petitioner/accused, while discharging duties as Branch in Indian Bank, B. Kothakota Branch, has cheated the public, by collecting excess amount than the real value of settlement amount under the guise of 'One Time Settlement', by misusing the position as Branch Manager, and also by violating corporate office guidelines, he had altered mobile numbers in JLG accounts and OTS accounts, threatened the OTS borrowers not to show or reveal the evidences like counter foils to the inspecting officials of the bank and that with a mala fide intention, he collected an excess amount of Rs.8.33 Lakhs from various One Time Settlement borrowers under the guise of loan settlement and appropriated that amount to himself.

4. Mr. K.B. Ramanna Dora, learned counsel for the petitioner, submits that so far as the offence under Section 420 I.P.C. is concerned, the same is punishable with imprisonment which may extend to seven years. So far as the offence under Section 409 I.P.C. is concerned, learned counsel contends that even according to the prosecution, there is no entrustment of funds with the petitioner and, as such, requests to grant anticipatory bail to the petitioner.

5. On the other hand, learned Assistant Public Prosecutor opposes the bail application, contending that the provisions of Section 409 I.P.C. would attract even when a public servant, who was entrusted with any dominion over property in his capacity of a public servant, commits breach of trust in respect of that property.

6. This Court has considered the matter and perused the entire material available on record. Considering the facts and circumstances of the case and since according to the prosecution, the petitioner is alleged to have collected excess amounts than the real value of settlement amounts and the allegations levelled do not indicate that the petitioner was entrusted with any amounts, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is directed to surrender before the Station House Officer, B. Kothakota Police Station, within a period of ten days from today and on such surrender, the petitioner shall be released on bail on his furnishing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand

only) with two sureties for a like sum each to the satisfaction of the Station House Officer, B. Kothakota Police Station. After release, the petitioner shall report before the aforesaid Station House Officer on every alternate Sunday between 10.00 a.m. and 1.00 p.m., until further orders.

8. This criminal petition is allowed accordingly.

K. SURESH REDDY, J

Dt: 09.08.2023
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