

Andhra Pradesh High Court - Amravati

Heard The Learned Counsel For The vs Unknown on 3 June, 2023

HON'BLE SRI JUSTICE B. KRISHNA MOHAN

CRIMINAL PETITION No.3667 of 2023

ORDER: -

Heard the learned counsel for the petitioner and the learned counsel for the respondent.

2. This Criminal petition is filed seeking regular bail for the petitioner/Accused in connection with Crime No.04/RCA- KUR/2023, dated 29.04.2023, registered under Section 13 (1) (b) of the Prevention of Corruption (Amendment) Act, 2018.

3. The case of the prosecution is that the petitioner is working as Assistant Registrar in Divisional Co-operative Office, Krishna Nagar, Kallur, Kurnool District and she acquired and possessed disproportionate assets to the known sources of her income. The petitioner's house and other places were raided on 2.5.2023 and the incriminating documents of immovable properties, cash and gold ornaments were seized. Thus found the disproportionate assets for the value of Rs.1,78,74,894/- approximately. Hence the above said case was registered. The remand report of the respondent/complainant discloses the following table of assets in the name of AO and her family members.

Sl. No.	Particulars of the assets	On whom the property held	Amount	Registration charges
1.	Purchased two old houses each an extent of 133.33 Sq.Yards. Later, the same was demolished and constructed a new house (C+2) bearing no.49/50-A-465 an extent of 218.79 Sq.Mt at Sreerama Nagar, near Nagulakatta, Kurnool town in the year 2010. But the document is available for one site vide Doc.1407/2002 of SRO, Kurnool (R0), Dt.25-02-2002 to an extent of 133.333 sq.yd. Note: On verifying property tax, the S0 paid tax to the municipality to an Extent of 218.79 Sq Mt.	In the name of S0	52,65,000/- (Plot cost is Rs.2,65,000/- + construction house Rs.50,00,000/- )	13,250/-
2	Constructed a house [G+1] bearing no. 45/204-A1-3	In the name of S0	18,00,000/-	4,170/-

- in 97.16 Sq.yd at Ashok Nagar, Kurnool town in the year 2014 by the S0. But the site was gifted by her mother vide Doc. 10823/2003 of SR0, Kallur, Dt. 10-12-2003.
- 3 Purchased extent of an 300 sq.yd house plot in the year 1993 vide Doc. 7986/1993, d:.27-12-93. Later, he gave 119.77 sq.yd as gift deed to his sister in the year 2009 vide Doc.No.4672/2009, dt.24-09-2009 of SR0, Kallur. In the year 2015 S0 constructed a new house in the name of her husband bearing no. 81/241-4-1-b in the remaining 180.23 sq.yd at Kasturi Nagar, Revenue ward No-81, Kurnool City. On verifying property tax the husband of S0 is paying tax to Kurnool Municipality to an extent of 155.68 Sq.Mtrs.
- In the name of S0's husband A.Chandra Sekhar 19,00,000/- --
- 4 Purchased an old house having an area 38.72 square yards vide Doc.10210/2011 of SR0, Kurnool (R0). Later, the same was demolished and constructed 2 shops in the ground floor and 2 portions above the shops during the year 2018-2019 by the S0 bearing No.46/419-A at Budawadarapeta, Kurnool town.
- In the name of S0's husband A.Chandra Sekhar 18,75,000/- 31,400/-  
(Plot cost is Rs.5,25,000/- + construction house Rs.13,50,000/-)
5. Father-in-law of the S0 gifted an old house to her husband bearing H.No. 47/8, Maremma Veedhi Ward No. 34, Budawarara peta, Kurnool City to an
- In the name of S0's husband A.Chandra Sekhar 4,00,000/- --

extent of 81.51 Sq.Mtrs.  
Later, the SO renovated  
the same in the year!  
2005-2006 vide Kurnool  
Municipal Assessment No.  
1016036699.

6.	Purchased a house plot bearing No.286 Sy no.148/2 in Radhakrishna Nagar, Munagalapadu village, Kurnool district an extent of 1750 sq feet. Doc.11300/2020[1] of SRO Kallur dated 20.10.2020.	In the name of SO's daughter A.Kavya sree	1,20,000/-	22,250/-
7.	Purchased a house plot bearing No.10, vide Sy no.7-2 in Guttapadu village of Orvakal Mandal, Kurnool district an extent of 133.33 SQ. yards. Doc.5013/2022 of SRO Orvakal, Dt. 29-12-2022.	In the name of SO's daughter A.Kavya Sree	1,60,000/-	12,200/-
8	Purchased one Tata Vista Car bearing No. AP21 AZ 4289. Registered during 05-09-2014.	In the name of SO	5,80,000/-	-
9.	Purchased one Active 3G bearing No. AP21 BK 6552. Registered during 02-07-2016.	In the name of SO's husband A.Chandra Sekhar	60,000/-	-
	Total		1,21,60,000/-	83,270/-

INCOME OF THE AO

Sl.No.	Nature of Item	Amo
1	Probable Salary income of the AO received during check period.	70,87
2	Probable loans from Banks or other financial institutions.	43,50
3	AO got income from the different sale proceeds of documents.	2,68,
4	Probable agricultural income of husband of the AO	3,50,
	Total income of AO	1,20,55

EXPENDITURE:

Sl.No.	Nature of Item	Amo
1	A0 incurred approximate house hold expenditure (1/3 of salary)	23,38
2	A0 incurred expenditure towards stamp duty and	83,

registration charges to the above documents shown in the Assets.

3 AO incurred probable expenditure towards 57,50,000/-

education of her children's (Son is studying MBBS 5th year at SWIMS in "B" Category and Daughter is studying BSC (Nutrition) 4 AO, incurred probable expenditure towards 38,60,000/-

repayment of loans 5 AO incurred expenditure towards stamp duty 14,870/-

and registration charges of the different sale proceeds

6. Other expenditure if any may be mentioned 1,95,000/-

(Purchased plot and later sold out) Total expenditure 1,22,41,850/-

ABSTRACT OF DISPROPORTIONATE ASSETS Total Income Expenditure =Likely savings/Excess expenditure Rs.1,20,55,000/- Rs.1,22,41,850/- Rs.(-) 1,86,850/- Total assets Likely savings =Disproportionate Assets Rs.1,21,60,000/- Rs.(-)1,86,850/- =Rs.1,23,46,850/-

(%=DA/IncomeX100=101.5%)

4. The counsel for the petitioner submits that the petitioner is having proportionate assets to her known sources of the income and she does not have any disproportionate assets. The husband of the petitioner is having own medical shop and he is running the same since 1996. He also got the agricultural land by way of ancestral in nature and gets regular income out of it. The properties shown in the above said table at Sl.Nos.3,4 and 5 are the properties standing in the name of the petitioner's husband and the properties mentioned at Sl.Nos.6 and 7 are the properties standing in the name of the petitioner's daughter. The respondent erroneously mentioned that the petitioner's son is studying fifth year MBBS course at SWIMS Institute in the B-Category seat, which is not correct as he got the admission in the A-Category seat under the Government quota.

5. If the above said factors are taken into consideration, the petitioner would be very much within the limits of having assets to her known sources of income. But without the application of the mind, the respondent showed the wrong figures and facts by registering the above said case in the remand report.

6. That apart the petitioner is also suffering from chronic ailments and she has been suffering from the remand with effect from 3.5.2023.

7. The petitioner suffered right lower limb acute DVT in the year 2014 and she has been under the care of Dr.Devender Singh at Yashoda Hospital, Hyderabad. She underwent endovascular surgery for removal of DVT. The petitioner was admitted in Gowri Gopal Hospital (Cardiology department) on 19.7.2019 with left lower limb DVT. She underwent catheter directed thrombolysis on 19.7.2019 and she was discharged on 22.7.2019. Since then she has been taking regular medication as per the advice of the doctors.

8. In this case, almost the investigation is completed and the respondent officials seized the documents, accounts, movable and immovable properties and completed the examination of the witnesses also. Hence, it is not desirable to continue the petitioner in the jail as already one month period is lapsed. The Special Judge For Trial of SPE & ACB cases, at Kurnool dismissed the bail application of the petitioner in CrI.M.P.No.545 of 2023 dated 18.05.2023, on an erroneous view of facts and the law. Hence sought for grant of regular bail with necessary conditions that may be imposed by the Honourable Court.

9. On the other hand, the learned standing counsel appearing for the respondent/complainant submits that the petitioner is found in possession of the disproportionate assets for the value approximately of Rs.1,78,74,894/-.

10. In the course of investigation, the respondent officials seized the documents relating to the immovable properties and gold ornaments with some cash. There are number of bank accounts and chits in the names of the family members of the petitioner which have to be verified in the course of further investigation. Some more independent witnesses have to be examined in detail. Since the petitioner contends that the properties are standing in the name of the petitioner's husband and some of them are ancestral in nature and the husband is having agricultural income also, in that direction also the investigation agency is required to be proceeded further for verifying the genuineness of the said contentions. For the purpose of conducting the detailed investigation, some more time is required for the investigating agency to proceed with the above said crime. However, he admits that the petitioner was arrested on 3.5.2023 and ever since she has been in remand.

11. In view of the above said facts and circumstances, as the investigation is in progress, the respondent/investigating agency is at liberty to proceed with the case strictly in accordance with law. Since there is no dispute that she has been in remand from 3.5.2023 onwards and she is suffering from serious chronic ailments which may require the attention of the Doctors periodically, keeping these factors and the circumstances in view, this Court considers for grant of regular bail for the petitioner with the following terms and conditions:

1) The petitioner shall be released on bail in connection with the Cr.No.04/RCA-KUR/2023, dated 29.04.2023, registered under Section 13 (1) (b) of the Prevention of Corruption (Amendment) Act, 2018 of ACB PS, Kurnool Range, Kurnool, subject to the condition that she shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties for a like sum each before

the Special Judge for Trial of SPE & ACB cases, at Kurnool to its satisfaction.

2) On release, the petitioner shall not interfere in any manner with the course of investigation that is being undertaken by the respondent officials. She shall not tamper with the relevant records/evidences and she shall not interfere or influence the witnesses in any manner. She shall not destroy the records of the other evidences.

3) She shall not leave the Country without the permission of the Special Court concerned pending this case.

4) She shall appear before the respondent/complainant once in a week on Monday between 10.00 a.m to 1.00 p.m till the filing of the Charge sheet. With these conditions the bail is granted

12. Accordingly the Criminal petition is disposed of. No costs.

As a sequel, miscellaneous applications, pending, if any, shall also stand closed.

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JUSTICE B.KRISHNA MOHAN 03.06.2023 GRL

Note: C.C. today

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