

APHC010661402025



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3396]

FRIDAY, THE SIXTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 12668/2025

Between:

1.M CHANDRASEKHAR, S/O. SUBBARAMAIAH, AGED 31 YEARS, OCC
PVT SERVICE, N/O. 1-22, MAIN ROAD, NUJELLAPALLI, PRAKASAM
DISTRICT PRESENTLY RESIDING IN NEAR SATYAM
TALKIES, AMEERPET, HYDERABAD.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, rep by its Public Prosecutor, High
Court of Amaravathi, through SHO, J.Panguluru P.S.

...RESPONDENT/COMPLAINANT

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS
praying that in the circumstances stated in the Memorandum of Grounds of
Criminal Petition, the High Court pleased to direct the Respondent/State to
enlarge the Petitioner/ Accused on bail in the event of his arrest pursuant to
Crime in FIR No. 12/25 on the file of the SHO, J.Panguluru Police Station,
Bapatla District and to pass

Counsel for the Petitioner/accused:

1. SRINIVASULU KURRA

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA**CRIMINAL PETITION NO: 12668/2025****ORDER :**

The Criminal Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS') by the Petitioner/Accused No.7 for granting of pre-arrest bail in connection with FIR No.12/2025, registered on the file of J.Panguluru Police Station, Bapatla District, registered for the alleged offence punishable under Sections 403, 408, 409, 420, 477-A, 120b, 109 of the Indian Penal Code, 1860 (for short 'the IPC), 79(1), 79(A)(1) of the Andhra Pradesh Co-operative Societies Act, 1960 (for short 'the APCSA')

2. Heard Sri Srinivasulu Kurra, learned Counsel for the Petitioner/Accused No.7 and Sri K.Sandeep, learned Assistant Public Prosecutor on behalf of the State.

3. It is the case of the prosecution that dishonestly embezzlement of large scale of funds of Primary Agriculture Cooperative credit society limited, Nezellapalli village, indulging criminal breach of trust by public servants, cheating and dishonestly inducing the funds of the society by falsification of accounts with criminal conspiracy under common intention, abetment of misappropriation of funds that occurred prior to 26.08.2022 at PACS, Nezepalli village of J.Pangulur Mandal and reported on 06.02.2025 at 18.00 hours by the report of the complainant, he reported on the allegation of huge misappropriation of enquiry was conducted under section 51 of the APCS Act,

1964 and after the enquiry the accused Nos.1 to 7 and accused No.9 abetted the accused Nos.1 to 4 for misappropriation of society funds and dishonestly credited the society funds in to other accounts of others with criminal conspiracy and of that after getting legal opinion and orders of the Hon'ble Collector and District Magistrate, Bapatla direct to prosecute the accused, the complainant reported the matter to police for taking necessary action. Hence, the petition.

4. The learned counsel for the petitioner/Accused No.7 submits that the petitioner has been falsely implicated without any specific overt act and that he is neither a member nor an employee of the concerned Co-operative Society, nor any property ever entrusted to him so as to attract the ingredients of Sections 409 or 109 IPC. He further submits that the petitioner never received any amount, either in cash or through on-line banking, and implication of him is solely based on the alleged confession of a co-accused to settle personal scores at village-level. The learned counsel further submits that all other accused have already been arrested and enlarged on bail, the investigation is substantially completed, and that custodial interrogation of the petitioner is wholly unnecessary. Learned counsel would further submit that the petitioner is ready and willing to furnish sufficient sureties to the satisfaction of the learned Trial Court to secure his presence for the purpose of investigation.

5. The learned Assistant Public Prosecutor vehemently opposed the petition and would submit that the petitioner/Accused No.7 is actively involved in the offence and that there are specific overt acts attributed to him in the course of investigation. It was submitted that the petitioner and his parents had obtained loans and that the criminal misappropriation was committed with the connivance of all the accused. The learned Assistant Public Prosecutor further submitted that the investigation is still in progress. It was urged that, in view of the serious nature of the allegations involving large-scale embezzlement of public money, the petitioner is not entitled to the discretionary relief of pre-arrest bail and accordingly prayed for dismissal of the petition.

6. Considering the submissions made, upon perusal of the material on record, and taking into account the facts and circumstances of the case that, though the allegations pertain to misappropriation of funds of a Co-operative Society, the specific role attributed to the petitioner/Accused No.7 appears to be limited and no material is placed to prima facie show entrustment of property to him so as to attract the ingredients of Section 409 IPC. It is not in dispute that the petitioner is neither a member nor an employee of the society and that the fact most of the investigation might have been completed, the question of tampering with the investigation or influencing the witnesses does not arise. Accordingly, this Court is inclined to grant pre-arrest bail to the petitioner/Accused No.7.

7. In the result, the Criminal Petition is allowed with the following conditions:

- i. The Petitioner/Accused No.7 shall appear before the concerned Magistrate Court within a period of one (1) week from today and shall furnish personal bonds for Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the concerned Police Station;
- ii. On release, the Petitioner/Accused No.7, shall appear before the Station House Officer concerned, once in fortnight i.e., on second Sunday and fourth Sunday, between 10:00 AM and 05:00 PM, till filing of charge sheet or for a period of three (3) months, whichever is earlier.
- iii. The Petitioner/Accused No.7, shall make himself available for investigation and shall cooperate with the investigating officer for further investigation;
- iv. The Petitioner/Accused No.7, shall not cause any threat, inducement or promise to the prosecution witnesses;
- v. The Petitioner/Accused No.7, shall not leave the limits of Andhra Pradesh State without prior permission from the concerned Court.
- vi. The Petitioner/Accused No.7, shall surrender his passport, if any, to the investigating officer. If he claims that he does not have passport, he shall submit an affidavit to that effect to the Court concerned.

DR.VENKATA JYOTHIRMAI PRATAPA, J

Date: 06.02.2026.
KKV

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 12668/2025

Date: 06.02.2026.
KKV