

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.106 of 2015

ORDER:

The petitioner, who is the sole accused in Crime No.290 of 2014 of Ongole II Town Police Station, Prakasham District, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with the above crime, registered for an offence punishable under Section 409 IPC.

The case of the prosecution is that the petitioner while working as Public Servant in State Bank of India, is alleged to have misappropriated an amount of Rs.71,000/- by transferring the same to the account of his wife. Basing on these allegations, the Branch Manager lodged the above report.

Heard learned counsel for the petitioner and learned Public Prosecutor appearing for the respondent-State.

Learned counsel for the petitioner submits that the explanation given by the accused to the Branch Manager clearly indicate that due to negligence the amount was transferred from one account to another account and the same was un-intentional. He also submits that on the same day the petitioner remitted back the amount.

Learned Public Prosecutor opposed the application contending that out of three transactions, in two cases the amount was transferred to the account of his wife and because the bank authorities detected the said transfer, the money was reverted back to the original account.

A perusal of the First Information Report clearly discloses that a sum of Rs.75,000/- was transferred to different accounts by the petitioner/accused. Out of which two accounts belonged to his wife. Even assuming that the amount was reverted back to the account of original account holders, the same cannot exculpate the petitioner herein. Having regard to the said circumstances, I am not inclined to grant anticipatory bail to the petitioner. However, the petitioner, if so advised shall surrender before the Court concerned and move an application for bail after giving prior notice to the public prosecutor concerned, in which event the same shall be dealt with in accordance with law either on the same day or atleast by next day.

JUSTICE C. PRAVEEN KUMAR

30.01.2015

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