

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.1702 of 2015

ORDER:

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The petitioner, who is sole accused in Crime No.797 of 2014 of Uppal Police Station, Ranga Reddy District, filed this Criminal Petition under Section 438 Cr.P.C., seeking release in the event of his arrest in the above crime registered for the offences punishable under Sections 420 and 406 I.P.C.

One Arshad Ayub, who is the President of Hyderabad Cricket Association, Uppal stadium lodged a report, the contents of which are as follows:

The petitioner was working as an electrician in Rajiv Gandhi International Cricket Stadium, Uppal under the supervision of maintenance engineer. His regular duties were to repair/installation of any electrical appliance in the stadium and to assist the maintenance engineer in attending electrical works. The petitioner also repairs/maintains the power generators, which are being used for flood lights during the day and night cricket matches. The petitioner was also entrusted by the maintenance engineer to bring diesel for the generators from Proddutur service station, Habsiguda and has to enter the particulars of the bill and the number of the vehicle, which was used to bring the diesel in the inward register of security gate No.1. It is alleged that on 23.09.2014 at about 10.15 a.m. the petitioner brought 4400 litres of diesel in a vehicle bearing No.AP 28 TA 1244 vide credit cash bill, dumped the same in the stadium and submitted the diesel bill to the maintenance engineer. On 24.09.2014, the petitioner brought another bill for

2100 litres of diesel from Proddutur service station and with the help of security entered the same in inward register stating that the diesel was brought in the night itself without entering into the register. On verification in C.C. camera, it was found to be false. Basing on these allegations, the above report came to be lodged.

Learned counsel for the petitioner mainly submits that a false case is foisted against the petitioner with a view to prevent the employees from starting a trade union. He further submits that the petitioner has entered the particulars of diesel, which he has brought in the register, and as such, it cannot be said that he has committed offences of criminal breach of trust and cheating.

Learned Public Prosecutor opposed the application stating that it is a clear case where the accused colluded with others and cheated the informant.

A perusal of the case diary would show that the witnesses who were examined by the prosecution speak about the duties and the role of the petitioner in getting the diesel from Proddutur service station. The material on record disclose that the petitioner brought 2100 litres of diesel on 24.09.2014. The C.C.Cameras, which are installed at the gate No.1 show that no diesel was brought into the station in the night of 24.09.2014. The bills are alleged to have been brought into existence for claiming money without getting diesel.

Having regard to the said circumstances, this Court is of the opinion that it is not a fit case to grant anticipatory bail. However, the investigating agency shall follow the procedure laid down in ***Arnesh Kumar v. State of Bihar***^[1], before taking any coercive steps against the petitioner.

Accordingly, the Criminal Petition is dismissed.

**JUSTICE C. PRAVEEN
KUMAR**

10.03.2015
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[\[1\]](#) 2014 (2) ALT (CrI.) 457 SC