

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 377 of 2015

ORDER:

The petitioner, who is the sole accused in Crime No.474 of 2014 of Kurnool III Town Police Station, filed the present Criminal Petition under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with the above crime, registered for the offences punishable under Sections 420 and 408 IPC.

The case of the prosecution is that the informant is a resident of Gayatri Estate and her husband was a cardiac specialist. The informant was running medical shop under the name and style of Vijaya Durga Pharmacy in Gayatri Estate and the petitioner was working in the said pharmacy since last 7 years. In the said pharmacy, the job of the petitioner was to sell the medicines, collect money and in case of return of medicines he should account for the same and pay back the money. The averments in the report disclose that he was paid Rs.9,000/- per month as salary. In the year 2014, the shop of the informant was audited. In the audit the informant found that since last four years the petitioner misappropriated an amount of Rs.50,00,000/- and he is alleged to have shown the return of medicines by the customers and payment of money to them though no such transactions took place. Basing on these allegations the above case came to be registered.

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

Learned counsel for the petitioner mainly submits that it is highly improbable to believe that the petitioner being an employee misappropriated huge amount of Rs.50.00 lakhs since last four years. If the petitioner misappropriated such a huge amount the owners

should not keep quiet for all these years. According to him, a false case has been foisted against the petitioner.

The learned Public Prosecutor opposed the application contending that the audit done revealed the particulars of amount misappropriated by the petitioner every month. He submits that in a case of this nature anticipatory bail should not be granted.

The material on record placed by the learned Public Prosecutor would show the particulars of amount misappropriated by the petitioner every month. Having regard to the nature of allegations made, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the Criminal Petition is dismissed. 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 at the earliest.

C. PRAVEEN KUMAR, J

04.02.2015

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