

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.22 of 2015

ORDER:

The petitioner, who is an accused in Crime No.123 of 2012 of Khammam II Town Police Station, which was registered for the offences punishable under Sections 406, 409 and 420 IPC, filed the present petition under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with the above crime.

The case of the prosecution is as under:

The District Manager, A.P.State Seeds Development Corporation Limited, Khammam lodged a report stating that their department used to supply seeds to District Co-operative Marketing Society, Primary Agriculture Co-operative Societies and Agriculture Officers in the District. The department record shown for the year 2006 to 2012, indicate that the business of the department was to an extent of 4.75 crores. The petitioner herein who was working as Junior Assistant in the said office used to look after the supply and collection of money. It is alleged that the petitioner herein misappropriated the collected amount to a tune of Rs.1.00 crore by manipulating the account books and later diverted the above said amounts. Basing on these allegations, the above case came to be registered.

Heard learned counsel for the petitioner and learned Public Prosecutor representing the State.

A perusal of the material would show that initially a case was registered against the petitioner alleging misappropriation of Rs.1.00 crore. Pursuant to which, a departmental enquiry was conducted wherein the enquiry Officer found the petitioner guilty for misappropriation of amount to a tune of Rs.5,25,916/-. The said fact is not disputed by the counsel for the petitioner. However, he submits that the petitioner is ready to pay the said amount or the same may be

directed to be deducted from the retirement benefits. But that itself would not exculpate the petitioner from the crime. Though the First Information Report (FIR) was lodged alleging that he misappropriated an amount of 1.00 crore but, it was found that he misappropriated an amount of Rs.5,25,916/-. Merely because the amount alleged to have been misappropriated is less than the amount alleged in the F.I.R., the same cannot be a ground to grant anticipatory bail, as averments in the record clearly establishes a case of misappropriation by the accused, who is a public servant.

Learned Public Prosecutor on instructions submits that the petitioner who was working as a Junior Assistant is now placed under suspension.

Having regard to the said circumstances, I am not inclined to grant anticipatory bail. However, the petitioner, if so, advised shall appear before the concerned Court and make an application for grant of bail after giving notice to the Public Prosecutor. In such an event, the Court concerned shall deal with the same in accordance with law on the same day or atleast on the next day. Accordingly, the Criminal Petition is disposed of.

As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

21-01-2015

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