

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

FRIDAY THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND SIXTEEN

PRESENT
HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION NO. 16049 OF 2016

Between:

V. Kishore Kumar ... Petitioner/Accused

V/s.

The State of Andhra Pradesh
Represented by its Public Prosecutor [AP]
High Court of Judicature for the State
Of Telangana & Andhra Pradesh,
Hyderabad. ... Respondent
Through the Station House Officer,
Nellore IV-Town Police Station
SPSR Nellore district.

Counsel for the Petitioner: Sri G. Jagadeeswar

Counsel for the Respondent: Public Prosecutor [AP]

The court made the following: [order follows]

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT**CRIMINAL PETITION NO. 16049 OF 2016****ORDER :**

This Criminal Petition is filed by the petitioner/accused under section 438 of Cr.P.C., seeking to release him on bail in the event of his arrest in Crime No. 196 of 2016 of Nellore IV-Town Police Station, SPSR Nellore district, registered for the offences under section 409 and 420 of IPC.

2. The case of the prosecution is that as per the directions of the Principal District and Sessions Judge, Nellore, the Chief Administrative Officer, Principal District Court, Nellore submitted a letter dated 28/5/2016, stating that on 16/5/2016 he received a phone call from the Branch Manager, Indian Overseas Bank, Sujatamma Colony Branch, Nellore, enquiring him as to why he sent a letter to issue demand draft on State Bank of India, Fathekhanpet Branch, Nellore instead of Principal District

Judge, Nellore. On verification of the letter, he found that the said letter was not signed by him as Head Clerk and it was signed by one V.Kishore Kumar, the petitioner herein and sent the same to the branch for encashment. Thereafter, he requested the Branch Manager to cancel the said demand draft and issue a FDR in favour of Principal District Judge, Nellore. Upon verification of SB Account of the petitioner, it was found huge amounts were credited in his account. The Special Judge for SPE and ACB Cases-cum-II-Additional District and Sessions Judge, Nellore has been appointed as Preliminary Enquiry Officer to conduct Preliminary Enquiry and the Enquiry Officer submitted his report observing that the individual has diverted the funds to his personal account deliberately and misappropriated the same.

3. Learned counsel appearing on behalf of the petitioner submit that the Departmental Enquiry No.3/2016 dated 23/9/2016 had been initiated upon the allegations against the

petitioner and he has to secure certain documents to explain the facts before the Enquiry Officer to prove his diligence. However, due to apprehension of arrest by the police, the petitioner is unable to move freely.

4. Learned counsel for the petitioner further submits that he has repaid the entire alleged amounts by thirty two demand drafts, which are taken in favour of the Principal District Judge, Nellore, submitted along with his explanation dated 06/6/2016 and those demand drafts are kept pending because the Principal District Judge has not accepted the same, as there is no prior permission.

5. Keeping in view the serious allegations against the petitioner, who is working as Junior Assistant in the Court of Additional Judicial Magistrate of First Class, SPSR Nellore district, his custodial interrogation is very much required to unearth the

gospel of truth. Therefore, I am not inclined to admit the petitioner on anticipatory bail.

6. The Criminal Petition is accordingly dismissed.

7. As a sequel, miscellaneous petitions if any pending in this Criminal Petition shall stand disposed of.



JUSTICE SURESH KUMAR KAIT.

18/11/2016
I s L

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION NO. 16049 OF 2016



Date: 18/11/2016
Circulation No.
Court Master: I s L