THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Crl.P.No.4637 of 2016

ORDER:

Petitioner/A4 seeks anticipatory bail. On the report given by Senior Manager, (F&A), Ushodaya Enterprises Private Limited (Food Division), the police of Penamaluru, Vijayawada City registered FIR No.27/2016 for the offences under Sections 420, 408, 471, 467, 477(A), 120(B) r/w 34 IPC against the petitioner and other accused.

2) The compliant allegations are to the effect that during the course of routine verification relating to the first quarter of the financial year 2014-2015, the complainant noticed some irregularities regarding freight charges and also large scale misappropriation of funds by the accused. Sofaras petitioner/A4 is concerned, the allegations are that petitioner worked as Manager (Purchases) and in the year 2010-2011 he purchased packing materials worth Rs.41.33 lakhs from Ms.Srinadh Roto Pack Private Limited and M/s. Harika Packages without any need as already stock worth Rs.22 lakhs was available in the godown. The entire material was totally unused and damaged. No quotations or competitive bids were obtained and the purchase was approved by V.Satyanarayana, General Manager (Operations). The investigation is reported to be pending.

3) Denying the allegations bail is pleaded mainly on the submission that petitioner worked as Manager (Purchases)

and in the Company there is a hierarchy of officers and for every purchase there should be prior approval from the CEO of the Company and purchase orders will be approved only after verifying the details furnished by the purchase department and in that organizational set up, the petitioner was not a sole decision maker and the purchases were made only after approval from the heads of department. It is argued that there is no chance for the petitioner either to purchase on his own accord or fix high price to cheat the organization. It is further submitted that petitioner joined as Assistant Manager on 03.06.2006 and left the Company as Manager (Purchases) by giving one month prior notice to Managing Director on 06.10.2014. However, the Company kept the petitioner's resignation in abeyance as it instructed the auditor to examine the relevant record and submit report and the same was pending. The petitioner was asked not to attend duties.

4) Learned Public Prosecutor opposed the application and submitted that large scale misappropriation of funds was made by a number of employees of the complainant organization and investigation is in the mid way and if bail is granted, there is every possibility of petitioner meddling with the investigation by tampering with the evidence.

5) A perusal of the CD file shows that as submitted by the learned Public Prosecutor, the investigation is in progress and not completed. The allegations against the petitioner and

other accused are grave. Petitioner is concerned, it is alleged that he purchased Rs.41.33 lakhs of packing material when already stock worth Rs.22 lakhs was lying in the godown. Of course, the concerned General Manager (Operations) said to have issued permission for purchase of packing material. The police are investigating as to possible conspiracy among all the accused. In view of gravity of allegations and pending investigation, it is not a fit case to grant anticipatory bail to the petitioner.

6) Therefore, the bail application is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U.DURGA PRASAD RAO, J

Dt: 24.06.2016
Murthy