

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.10169 OF 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor. Perused the material on record.

2. The present Criminal Petition came to be filed by the petitioner/Accused, under Section 438 Cr.P.C., seeking release in the event of his arrest in Crime No.166 of 2016 of Tirupathi East Police Station registered for the offences punishable under Sections 408 and 420 IPC.

3. The case of the prosecution is that while the petitioner was working as Depot Manager in Lohiya Edible Oils Private Limited, Tirupati, took advantage of absence of the Accountant by name Mallikarjun and misappropriated gold drop and gold plus refined sunflower oils, which are available in the Depot with false invoices of 9 customers causing loss to a tune of Rs.19,96,338/- to the Company. The same came to light during monthly sales verification by the informant. Basing on these allegations, the present case came to be registered.

4. Learned counsel for the petitioner submits that the petitioner is innocent of the offences alleged against him and the alleged incident took place after his retirement on 13.06.2016. It is his case that his resignation was accepted on 13.06.2016 and only with a view to evade the retirement benefits, he was falsely implicated in the present case.

5. Learned Additional Public Prosecutor submits that the investigation is still pending and the witnesses examined speak

about the involvement of the petitioner in the crime.

6. The petitioner might have resigned on 13.06.2016, but as seen from the averments in the First Information Report (FIR), all the incidents of alleged misappropriation took place much prior to 01.06.2015. It has been specifically stated that the alleged acts of misappropriation have come to the light when the accounts of the Financial Year, 2015 were looked into, after resignation of the petitioner.

7. Having regard to the facts and circumstances of the case; since the investigation is pending and since the averments in the FIR *prima facie* disclose the involvement of the petitioner, I am not inclined to grant anticipatory bail.

8. Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

Date:21.07.2016

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