THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.3453 of 2017

ORDER:

Petitioners/accused filed this petition under Section 438 Cr.P.C. seeking anticipatory bail.

2) Petitioners and some other are shown as accused in Cr.No.102 of 2017 registered by the Punjagutta PS, Hyderabad for the offences under Sections 420, 408 and 120(B) IPC. The allegation against the accused in brief is that the 1st petitioner worked as Accounts Executive in Plaza Hotel of Telangana Tourism Corporation situated in Greenlands, Begumpet from 01.05.2015 to March, 2016. His nature of duty is generation of sales report of previous day and then feeding into tally package and bank reconciliation. It is alleged that 1st petitioner while doing his legitimate duties has used five credit cards of Axis Bank and HDFC Bank and embezzled the collection amount of Plaza Hotel to the tune of Rs.8,25,246/- from August 2015 to June, 2016. It is further alleged that in the preliminary enquiry it is noticed that Electronic Credit Devices (EDCs.) were kept at reception in the front office of the hotel and some staff members including the 1st petitioner used them for misappropriation of hotel funds. It is also alleged that 1st petitioner used to swipe his credit card in EDC machine at reception, banquets and restaurant and after that he used to tag the slip to the bill but he had voided the transaction in EDC

machine. Thus, it is alleged that he committed misappropriation of Rs.8,25,246/-. Investigation is reported to be pending.

3) Heard learned counsel for petitioners and learned Public Prosecutor (TG).

4) The submission of learned counsel for petitioners is that 1st petitioner gave a detailed explanation dated 17.03.2017 to the notice issued under Section 41(A) Cr.P.C. stating that he has not committed any misappropriation and he is not responsible for any of the missing amounts. Learned counsel thus submitted that 1st petitioner was not responsible for any of the misdeeds alleged in the complaint and except stating that 1st petitioner used the credit card of his wife—2nd petitioner, there is no material to connect her to the crime. He thus prayed to grant bail.

5) Learned Public Prosecutor (TG) would submit that 1st petitioner used five (5) credit cards of the hotel and misappropriated the amounts to a tune of Rs.8,25,246/- and investigation is at the preliminary stage and other accused who are employees of the hotel, are absconding and if bail is granted, petitioners may cause obstruction to the investigation. He thus prayed to dismiss the petition.

6) A perusal of the CD file shows that there is strong accusation against 1st petitioner. The investigation is pending and only three witnesses were examined so far. As the matter stands, it is not a fit case to grant bail to the 1st petitioner. So far as the 2nd petitioner is

concerned, she is the wife of 1st petitioner and except stating in the complaint that the 1st petitioner used the credit card of his wife, at present, no tangible material is placed on record for her direct involvement. Considering this fact and 2nd petitioner is a lady bail is granted to her.

7) In the result, this bail application is dismissed insofar as 1st petitioner is concerned, while granting bail to 2nd petitioner. Accordingly, 2nd petitioner is directed to surrender before the XIV Additional Chief Metropolitan Magistrate, Hyderabad on or before 13.06.2017 and on such surrender she shall be enlarged on bail on her executing a personal bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties each for like sum to the satisfaction of the learned Magistrate. On release, she is directed to co-operate with the investigating agency for smooth completion of investigation.

Accordingly, Criminal Petition is disposed of.

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

U.DURGA PRASAD RAO,J

Date: 06-06-2017
Murthy