

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4694 of 2017

ORDER:

This petition is filed, by the petitioner/accused No.2, under Section 438 Cr.P.C. seeking anticipatory bail in Crime No.46 of 2017 on the file of the Station House Officer, Madanapalle II Town Police Station, Chittoor District, registered for the offences punishable under Sections 465, 468, 420 and 408 read with 34 I.P.C.

2. The learned counsel for the petitioner strenuously submitted that the concerned officials conducted the enquiry in a hurried manner on seeing the reports in the press; therefore, no reliance can be placed on the preliminary enquiry report. He further submitted that the concerned officials were directed to conduct a final enquiry. Without completion of the enquiry, registration of criminal case is not permissible under law; therefore, it is a fit case to grant anticipatory bail to the petitioner.

3. The learned Additional Public Prosecutor submitted that the allegations made in the complaint *prima facie* reveal that the petitioner misappropriated the Government money. He further submitted that accused No.1 filed Criminal Petition No.937 of 2017 under Section 438 Cr.P.C. and the same was withdrawn by him after elaborate hearing; therefore, it is not a fit case to grant bail to the petitioner.

4. A perusal of the record reveals that the Project Director, MEPMA Office, Mittoor, Chittoor, is the *de facto* complainant. As

per the allegations made in the complaint, at the relevant point of time the petitioner was working as Community Organizer in self help group loans scheme. It is the case of the prosecution that the petitioner along with accused No.1 misappropriated an amount of Rs.1,11,90,000/-. On coming to know about the irregularities, the Revenue Divisional Officer, Madanapalle, conducted preliminary enquiry and arrived at a conclusion that the petitioner herein along with accused No.1 misappropriated the funds allocated to self help groups. As per the preliminary report, the petitioner misappropriated to the tune of Rs.54,40,000/-. A perusal of the record *prima facie* reveals that the petitioner misappropriated an amount of Rs.46,40,000/-. It further reveals that the final report is pending. Mere pendency of final enquiry that itself does not debar the competent authority to initiate criminal proceedings against the petitioner. The disciplinary proceedings and criminal proceedings are entirely different. The petitioner does not deserve any sympathy.

5. Taking into consideration the nature of the offences alleged to have been committed by the petitioner, I am of the considered view that it is not a fit case to grant anticipatory bail to the petitioner.

6. Accordingly, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 03.08.2017
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