THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.2037 of 2017

ORDER:

This Criminal Petition under Sections 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed to enlarge the petitioner/A-1 on pre-arrest bail since he is apprehending arrest in connection with FIR No.27 of 2017 of Police Station, Saroornagar, registered for the offences punishable under Sections 420, 419, 408, 468, 471, 506, 120-B of IPC.

The case of the prosecution is that the petitioner is working with Pananeeya Maha Vidyalaya Institute of Dental Sciences at Dilsukhnagar as accountant and cashier and misappropriated funds of the institution to a tune of Rs.2 Crores. The petitioner being an accountant, maintaining the transactions of collection of fees from the students, payment of salaries to the staff and bank transactions of the institution. The petitioner himself admitted about the said transactions in the letter dated 05.02.2017 filed along with the petition about the alleged misappropriation. However, A-2 and A-3 are the wife and brother-in-law of the petitioner who are not the employees, but they were paid salary without engaging them as employees and that he himself obtained pan cards affixing photos in the name of different persons and transferred amount by RTGS to a tune of Rs.40 lakhs and thus, the petitioner committed a serious misappropriation to a tune of Rs.2 Crores in all.

The main contention of the petitioner is that the petitioner is only an accountant and he is no way concerned with the offence. Apart from that, major part of investigation is completed and nothing remains to be investigated, thereby the question of petitioner interfering with the further investigation does not arise.

As seen from the material on record, the petitioner is the accountant-cum-cashier who is responsible for cash and other dealings including the payment of salaries to the employees. But, strangely, he paid salary to his wife and brother-in-law who are not the employees in the institution. The petitioner transferred a sum of Rs.40 lakhs from the account of the college in the name of A-4-Ashrafunnisa by RTGS through cheque No.582473, dated 26.10.2016 towards provident fund payment. Thus, the material on record prima facie clearly shows that the petitioner committed a serious offence being an accountant misappropriated to a tune of Rs.2 Crores transferring the amount in the name of his wife and brother-in-law, obtaining pan number affixing his photo. Investigation is not completed. Therefore, I find no ground to enlarge the petitioner on pre-arrest bail at this stage.

Consequently, the criminal petition is liable to be dismissed.

In the result, the criminal petition is dismissed.

Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date:27.03.2017
ccm

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

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