THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11454 OF 2017

ORDER:

This Criminal Petition is filed under Section 438 Cr.P.C. seeking to grant anticipatory bail to the petitioner-A.1 in Crime No.136 of 2017 of Tukaramgate police station, Hyderabad city registered for the offences punishable under Sections 408, 420 and 477A IPC.

2. Heard the learned counsel for the petitioner-A.1 and the learned Additional Public Prosecutor. Perused the material available on record.

3. The learned counsel for the petitioner would submit that the allegations against the petitioner-A.1 are concocted and untrue; that he is not responsible for the alleged offences; that he is working as System Administrator in Deccan Club for the last 4 years 6 months; that the committee found that there was some kind of fraud in the bills; that there are two groups in the club and some internal disputes were there between them, and the groups were drawing employees to their side, and that false and baseless allegations are made against the petitioner-A.1 and other employees; that the petitioner-A.1 is in no way connected with the accounts maintained by the Club and he is not involved in any of the controversies going on in the club; that the petitioner-A.1 has no access to the billing and accounting

system of the club, and ultimately, he prayed to allow the application.

4. On the other hand, the learned Additional Public Prosecutor appearing for the respondent-State opposed the grant of bail to the petitioner-A.1 under Section 438 Cr.P.C.

5. In view of the contentions put forth by both sides, the point for determination is whether the petitioner-A.1 can be granted bail under Section 438 Cr.P.C.?

6. The material placed on record reveals that the petitioner-A.1 and A.2 are employees of Deccan Club, Hyderabad and were allotted individual user IDs to make entries of all transactions i.e. cash collections or other payments, relating to the Club by way of cards, etc. The petitioner-A.1, being Cashier of the Club, collected cash from the members and misappropriated the said amount, and thereby cheated the Club. The petitioner-A.1 along with A.2 falsified entries of payments from cash to card and cheated to the tune of Rs.26,63,993/- in the last 3 years. The petitioner-A.1 has not shown the correct cash collected by him in the ledger and other books of accounts of the Club. The amount relating to short-fall of deposit is Rs.71,60,630/- in the last 3 years. The petitioner has also issued katcha receipts for the money received from the Club members and swindled entire money for himself, along with A.2. This money is amounting to Rs.36,35,170/-. There is also allegation of

misappropriation of money received towards booking banquet hall to a tune of Rs.1,90,100/-. There are also other specific and grave allegations of misappropriation of money belonging to the Deccan Club.

7. There are also allegations against some of the officer bearers of the Club with regard to manipulating the accounts and benefiting illegally. There is no reason for the President of the Club Mr. Avinash Gupta to make false and baseless allegations against the petitioner-A.1 and others. When there are specific and grave allegations against the petitioner-A.1 with regard to misappropriation of huge amounts along with A.2 and others, it cannot be said that the petitioner is innocent person and falsely implicated in this case. The allegations require in-depth investigation. There are no justifiable grounds to enlarge the petitioner-A.1 on bail under Section 438 Cr.P.C. The Criminal Petition is devoid of merit and liable to be dismissed.

8. In the result, the Criminal Petition is dismissed.

Dr. SHAMEEM AKTHER, J

Date: .12.2017
DRK

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

<u>Crl.P. No. 11454 OF 2017</u>

DRK