

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11155 OF 2017

ORDER:

This Criminal Petition, under Section 438 of Cr.P.C., is filed by the petitioner/accused, seeking anticipatory bail in the event of his arrest in connection with F.I.R. No.161/2017, on the file of I Town Police Station Bellampalli, Ramagundam district, registered for the offence under Section 409 of I.P.C.

Heard the learned counsel for the petitioner/accused, learned Additional Public Prosecutor appearing for the respondent-State, and perused the record.

Learned counsel for the petitioner/accused would submit that the petitioner while working as Junior Assistant in the Office of Municipal Commissioner, Bellampalli, deposited Rs.79,150/- i.e., the amount collected towards Trade License fee with a delay of 6 to 58 days. There is order of the Commissioner, Bellampalli Municipality, to use the amounts for repair of the municipal vehicles etc., he is not guilty of any misappropriation, the entire prosecution case is false.

The learned Additional Public Prosecutor appearing for the respondent-State opposed grant of bail to the petitioner/accused.

As per the material placed on record, the petitioner/accused collected an amount of Rs.79,150/- towards Trade License fee during his tenure, working as in-charge Sanitary Inspector, between 22.03.2017 to 02.08.2017, and deposited the said amount to the Municipal General Fund with a delay of 6 to 58 days, which is totally in contravention of the G.Os. issued by the Government and the Commissioner of Municipality from

time to time. The petitioner is not entitled to keep the amount with him in no circumstances. There is material to show a case against the petitioner for the non-bailable offence, which does not require any intervention by this Court to grant bail to the petitioner/accused under Section 438 Cr.P.C.

Therefore, the Criminal Petition is dismissed.

In consequence, miscellaneous petitions, if any, pending in this Petition shall stand dismissed.

Dr. SHAMEEM AKTHER, J

Date: 24.11.2017.
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Date. 24.11.2017

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