

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.10586 of 2018

ORDER:

This petition is filed, under Section 438 of the Criminal Procedure Code, seeking grant of anticipatory bail to the petitioner, who is A1, in Cr.No.24 of 2017 on the file of the Station House Officer, Badvel (R) Police Station, Y.S.R District. The offences alleged are under Sections 403, 408 read with Section 34 of the Indian Penal Code and Sections 79(1) (f), 79 (A) (1) (a), 79 (a) (1) (1) (c) (b) of the Andhra Pradesh Cooperative Societies Act.

2. Heard the counsel for the petitioner and the learned Public Prosecutor appearing for the respondent.

3. The allegation against the petitioner is that he has misappropriated the amounts from the society.

4. The counsel for the petitioner submits that after the registration of crime, surcharge proceedings were initiated against which the petitioner approached this Court by way of WP.No.6442 of 2018 and this Court by order dated 28.02.2018 set aside proceedings with a direction to conduct *de novo* enquiry and pass appropriate orders and that no enquiry was conducted till date.

5. On the other hand, the learned Public Prosecutor submits that the statements of some of the farmers were recorded and they have supported the allegation made in the complaint.

6. In the above circumstances, this Court opines that this is not a fit case for grant of bail to the petitioner, as, for continuation of

surcharge proceedings, evidence is required and for the said reason, this Court, in the writ petition, directed to conduct *de novo* enquiry. But in a bail petition, it would suffice if *prima facie* material is found against the petitioner. Hence, considering the above, this Court is not inclined to grant anticipatory bail to the petitioner.

Hence, the criminal petition is dismissed. However, considering the request of the petitioner, the Court below is directed to dispose of the bail petition that would be filed by the petitioner, preferably, on the same day subject to pressure of other work. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

November 26, 2018
DSK

T. RAJANI, J

