

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.12511 OF 2017

ORDER:

This Criminal Petition is filed under Section 438 Cr.P.C. seeking to grant anticipatory bail to the petitioner-A.2 in Crime No.382 of 2017 of Gadwal Town police station, Jogulamba district, registered for the offences punishable under Sections 420, 406 and 120B IPC.

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

3. The learned counsel for the petitioner-A.2 would submit that the petitioner-A.2 entered into an agreement with ACDPO, ICDS project to supply eggs, and in terms of the agreement, petitioner-A.2 supplied eggs and money was paid to him; that when petitioner-A.2 demanded the authorities concerned to pay money relating to the eggs supplied during the months of June, 2017 and July, 2017, instead of paying the money for the eggs supplied, they filed report against the petitioner-A.2; that the allegations levelled in the report lodged with police are absolutely false, and ultimately, 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.2 under Section 438 Cr.P.C. and contended that the petitioner-A.2 conspired with A.1, created fake and fabricated bills and collected an amount of Rs.77,57,535/- in excess, and ultimately, prayed to dismiss the application.

5. In view of the facts and circumstances put forth by both sides, the point for determination is whether the petitioner-A.2 is entitled for bail under Section 438 Cr.P.C.?

6. The material placed on record reveals that Smt. A.Aruna, District Welfare Officer, WCD & SCW Department, Jogulamba Gadwal lodged a report dated 13.10.2017 to police stating that Smt.A.Sridevi, ACDPO, ICDS Project, Maldakal and the egg supplier i.e. M/s. S.R. Poultry and Veterinary, colluded and conspired together and misappropriated government money by creating fake and fabricated bills and illegally drawn an amount of Rs.77,55,535/-. The report of the defacto complainant was based on internal audit conducted. The excess payment was drawn during the months of December, 2016 to February, 2017. A.1 is said to have been absconding. As per the records and submissions made by the learned counsel for the petitioner-A.2, the petitioner-A.2 is proprietor of M/s. S.R. Poultry and Veterinary concern. There is no reason for the defacto complainant to lodge a false report against him. Further, there is no reason to conduct false audit and fabricate the case against petitioner-A.2. The allegation is misappropriation huge government money to the tune of Rs.77,57,535/-. As per the material placed before this Court, eggs worth Rs.8.00 lakhs were only supplied and bogus bills were created to withdraw the aforementioned amount in excess. In the circumstances, it cannot be held that the petitioner-A.2 is innocent person and a false report is lodged against him. The matter requires thorough investigation. In the event of granting bail, there is possibility of causing disappearance of material evidence. Certainly, release of petitioner would hinder investigation. There are no justifiable grounds to enlarge the petitioner-A.2 on bail under Section 438 Cr.P.C. The Criminal Petition is devoid of merit and liable to be dismissed.

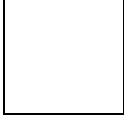
7. In the result, the Criminal Petition is dismissed.

Dr. SHAMEEM AKTHER, J

Date: 04.01.2018
DRK



THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER



Crl.P. No. 12511 of 2017

04.01.2018

DRK