

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.13652 OF 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C), is filed by the petitioner/A.1, for grant of anticipatory bail in the event of his arrest in connection with Crime No.127 of 2018 of Palakeedu Police Station, Suryapet District, registered for the offences punishable under Sections 409 and 420 IPC.

2. Heard learned counsel for the petitioner/A.1, the learned Public Prosecutor appearing for the respondent-State and perused the record.

3. Learned counsel for the petitioner/A.1 would contend that the petitioner is not responsible with regard to the sale of fertilizers; that the petitioner/A.1 is no way connected with the alleged misappropriation of an amount of Rs.8,32,480/-; that no enquiry was conducted before lodging a report with the police; that at the instance of the District Collector and other authorities, the subject complaint was made by the Manager, Nalgonda District Co-operative Central Bank Limited and ultimately prayed to allow the application.

4. Learned Additional Public Prosecutor appearing for the respondent-State opposed the grant of bail to the petitioner/A.1.

5. The material placed on record reveals that this petitioner/A.1 indulged in misappropriation of sale proceeds of the fertilizer stocks as mentioned in the report. It is alleged that in

total an amount of Rs.8,32,480/- was misused and utilized by the petitioner/A.1 for his personal needs. As per the record, there is variation in stocks and the sale proceeds are not deposited. Further, the misappropriation was upto 29.09.2018 during the period of office of the petitioner as Chief Executive Officer. There are specific allegations against the petitioner/A.1 of selling away the fertilizers and utilizing the sale proceeds. It is also contended by learned Additional Public Prosecutor that the petitioner/A.1 is required for custodial interrogation and recovery. There is substance in the submissions made on behalf of the respondent/prosecution. Enquiry is necessary when a report is lodged alleging commission of offences under Sections 409 and 420 IPC, as contended by learned Additional Public Prosecutor. The application is devoid of merit and is liable to be dismissed.

6. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions, if any, pending in this petition shall stand closed.

DR.JUSTICE SHAMEEM AKTHER

DECEMBER 27, 2018

YVL

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER



CRIMINAL PETITION No.13652 OF 2018

Date: 27.12.2018

YVL

