

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.949 of 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused, for grant of anticipatory bail in Crime No.11 of 2019 of Inthegar Gunj Police Station, Warangal Commissionerate, Warangal District, registered for the offences punishable under Sections 420 & 409 of IPC.

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

3. Learned counsel for the petitioner/accused would submit that without prejudice to the right to defend himself in the domestic enquiry, the petitioner/accused has paid the disputed amount of Rs.66,265/-. It is also contended that the said amount was lying in the Suspense Account and that it would, at the most, amount to temporary misappropriation and ultimately prayed to allow the application.

4. On the other hand, the learned Additional Public Prosecutor opposed for grant of bail to the petitioner/accused.

5. As per the First Information Report, dated 09.01.2019, lodged by the Branch Manager, State Bank of India, Chelpur Branch, Warangal, on a complaint lodged by Mrs.Noorjahan Mahila Podupu Sangham, an enquiry was conducted with regard

to the deposit of money into the account of the said Mahila Podupu Sangham and it was noticed that the petitioner/accused indulged in irregularities/misappropriation with regard to the Bankers Cheques, Demand Drafts etc. The details are as follows:

BC No.	Date	Amount Rs.	Remarks
165556	05.02.2015	16265	The official has paid the BC by cancellation on 11.04.2015. The official by adding Rs.33735/- of his own funds issued DD No.876381, dated 11.04.2015 for Rs.50000/- and sent the same to SBI Life towards payment of Annual Premium of his own policy bearing Policy No.44041908309, which was credited to his Policy Account on 16.04.2015.
205207	28.05.2013	2129	All the BCs were paid by cancellation on 08.01.2016 under the official's ID and issued a new BC bearing No.877727 for Rs.21862/- in favour of SBI Life towards payment of Annual Premium of the official's own policy No.44041908309 and the same was accounted for to Policy Account on 30.03.2016.
205208	28.05.2013	3007	
205205	28.05.2013	1327	
205206	28.05.2013	1327	
205276	11.06.2013	14072	
877652	22.03.2016	2200	All the BCs amounting to Rs.13525/- were paid by cancellation on 29.03.2016.
877638	22.03.2016	2200	
877573	17.03.2016	544	
877658	22.03.2016	2200	An amount of Rs.14613/- was debited to SB account No.35550602996 of Shri T.Subhash.
877693	22.03.2016	2170	
877726	28.03.2016	4211	
SB	29.03.2016	14613	Branch has issued a BC No.877727 for Rs.28138/- (13525+14613) in favour of SBI Life on 29.03.2016 and the total amount was appropriated to his own policy No.44041908309, which was credited to his account on 30.03.2016.
	Total	66265.00	

6. There is also record to show that this petitioner/accused, on 06.02.2019, deposited Rs.66,265/- into the disputed account. There is no record to sustain that an amount of Rs.66,265/- is lying in Suspense Account. There are allegations of misappropriation of money belonging to Mrs.Noorjahan Mahila Podupu Sangham. The gravity of offence is high. Depositing the

amount on a subsequent date would not undo and wipe out the commission of malpractice in the subject criminal case. Under these circumstances, it is not a fit case to consider this bail application under Section 438 of Cr.P.C.

7. Hence, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

18th March, 2019
Bvv

