

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.8171 of 2019

ORDER :

This Criminal Petition under Section 438 of Cr.P.C. is filed by the petitioner/A2, seeking anticipatory bail in Crime No.354 of 2018 on the file of the S.H.O., Adibatla Police Station, Rachakonda District, registered for the offences punishable under Sections 420 and 406 IPC.

2. Heard learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for respondent-State.

3. The case of the prosecution is that the petitioner (A2) and A1 are the custodians of cash and they are entrusted with cash by the complainant's company-CMS Infosys System Ltd., Hyderabad, by replacing the same by depositing in the ATMs of ICICI Bank, Adibatla, which are in their control. Both the accused only know the password of the said ATMs and they belong to the complainant's company. On 18.12.2018, the auditors have audited the ATMs and found shortage of Rs.6,81,400/- in ATM of ICICI Bank situated at TCS, Adibatla. Thus, the accused committed the offence of cheating and criminal breach of trust of their employer company.

4. Learned counsel for the petitioner submits that because of the harassment of the de facto complainant

officials, A1 by name Narsing committed suicide by giving suicide note. He further submits that basing on the said act of the de facto complainant, wife of A1 filed a complaint along with suicide note and the same was registered as FIR No.406 of 2018 on the file of Saidabad P.S. He further submits that as a counter blast to the said complaint filed by the wife of A1, the present complaint is filed by the complainant against the deceased-A1 and the present petitioner. He further submits that the petitioner has been appointed as Assistant to one Mr.Sunil and he is not the custodian and because of disputes between the said Sunil and the de facto complainant, the present complaint has been lodged by implicating the petitioner and A1 falsely in this case. Hence, he prays to grant anticipatory bail to the petitioner.

5. On the other hand, the learned Additional Public Prosecutor representing the State vehemently opposed the bail application.

6. As seen from the contents of F.I.R., there are specific allegations against the present petitioner that the complainant company takes money and deposit the same in ATM. The present petitioner and other accused were working as custodians and the complainant used to give cash to these custodians for keeping in Adibatla ICICI ATM. On 18.12.2018, the Auditors audited the ATM and found shortage of Rs.6,81,400/- in the ATM machine. It was also

alleged that the present petitioner and other accused were in the access of pass word of ATM and except these persons, no other person has access to the said password. Accordingly, the case was registered for the offences punishable under Sections 420 and 406 IPC against the petitioner (A2) and A1.

7. Except the bald statement of the petitioner that because of the harassment of the de facto complainant officials, A1 committed suicide and the wife of A1 filed a case against the de facto complainant, the petitioner nowhere stated that he has no access to the pass word of ATM and that he was not working as custodian of the said ATM of the complainant's company.

8. Thus, looking into the nature of allegations made against the petitioner and also keeping in view the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner.

9. Accordingly, the Criminal Petition is dismissed. However, if the petitioner-A2 surrenders before the concerned Court within 15 days and files bail application after giving due notice to the Public Prosecutor, the same may be considered in accordance with law. Miscellaneous petitions, if any pending, shall stand closed.

JUSTICE G. SRI DEVI

DATED: 23.12.2019.
Hsd

