

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION NO: 6304 OF 2021

Between:

Madugula Suresh, S/o. John, Age 45 years, Occ. Outsourcing Agency,
R/c.H.No.8-91, Fire Station Back Side, Jaggayyapeta, Krishna District, A.P,
Presently Residing at H.No.10-2-261, Near Rama Talkies, Kothagudem,
Bhadradi Kothagudem District, State of Telangana,

...Petitioner/Accused No.3

AND

The state of Telangana, represented by Public Prosecutor, High court of
Judicature, at Hyderabad Through the Station House Officer, Police Station
Kothagudem I Town, Bhadradi Kothagudem District, Telangana State.

...Respondents/Complainant

Petition under Section 438 of Cr.P.C praying that in the circumstances stated
in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased
to enlarge the pensioner on Anticipatory Bail and to pass an order or orders in the
event of his arrest in connection with Crime No.50 of 2021, Police Station
Kothagudem I Town, Bhadradi Kothagudem District for an alleged offence
punishable under Section. U/S 409, 420 IPC, during the pendency of enquiry and
trial.

This Petition coming on for hearing, upon perusing the Memorandum of
Grounds of Criminal Petition and upon hearing the arguments of Sri Ramesh Bura,
Advocate for the Petitioner and the Assistant Public Prosecutor on behalf of the
Respondent.

The Court made the following: ORDER

E HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.6304 of 2021

The Criminal Petition under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A3 seeking to grant anticipatory bail in the event of his arrest in connection with Crime No.50 of 2021 on the file of Kothagudem I Town Police Station, Bhadrachalam-Kothagudem District, registered for the offences under Sections 409 and 420 IPC.

2. Heard learned counsel appearing for the petitioner/A3, learned Assistant Public Prosecutor appearing for the respondent-State and perused the record.

3. The prosecution case is that the accused have misappropriated the funds to a tune of Rs.14,39,592/- by non-depositing the EPF and ESI amounts of contract teaching and non-teaching staff, thereby cheated the de-facto complainant and others.

4. Learned counsel for the petitioner would submit that the petitioner is a District Minority Welfare Officer and provided outsourcing services to the de-facto complainant and he has not committed any offence as alleged by the prosecution. He would further submit that there is no material against the petitioner regarding commission of alleged offences. He also submits that the petitioner is not having any criminal antecedents prior to the alleged occurrence and he is a law abiding citizen and ready to abide by any

condition that may be imposed in the event of his enlargement on anticipatory bail.

5. Learned Assistant Public Prosecutor opposed to grant anticipatory bail to the petitioner.

6. As seen from the contents of the FIR, there are specific allegations against the petitioner that he has misappropriated the funds amounting to Rs.15 lakhs, which has to be disbursed towards salary to the teaching and non-teaching staff and also EPF and ESI amounts. Thus, looking into the nature of allegations leveled against the petitioner/A3, I am not inclined to grant anticipatory bail to the petitioner and his prayer for anticipatory bail is rejected. However, the petitioner/A3 shall surrender before the Court concerned within 15 days from today, failing which the police concerned shall take coercive steps against him.

7. Accordingly, the Criminal Petition is dismissed.

8. Miscellaneous petitions, if any pending in this criminal petition shall stand dismissed.

//TRUE COPY//

SD/- M.MANJULA
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The I Additional Judicial First Class Magistrate, at Kothagudem, Bhadradi Kothagudem District.
2. The Station House Officer, Kothagudem I Town, Bhadradi Kothagudem District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri Ramesh Bura, Advocate [OPUC]
5. Two CD Copies
6. One Spare Copy

MMK
GJ



HIGH COURT

DATED:18/08/2021



ORDER

CRLP.No.6304 of 2021

DISMISSING THE CRIMINAL PETITION

⑧ VLV
26/8/21