

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 9503 OF 2021

O R D E R:

This Criminal Petition under Section 438 Cr.P.C. is filed by petitioner – Accused No.1 seeking bail in the event of his arrest in connection with Crime No. 50 of 2021 on the file of Kothagudem I Town Police Station registered for the offences punishable under Sections 409 and 420 IPC.

2. The case of prosecution is that de facto complainant gave a report against petitioner who is Proprietor of M/s Guards Management Services stating that they misappropriated provident fund amount of the employees to the tune of Rs.27,04,947/- during agreement period between 2016 and 2019.

3. Ms. Vidyavathi, learned counsel on behalf of Sri Jogram Tejavath, learned counsel for petitioner submits that petitioner is running guards management service agency and he sponsored candidates through his agency between 2016 and 2019 for teaching and non-teaching staff. It is submitted that on 20.08.2019, District Minorities Welfare Officer addressed the letter to the Secretary, TMREIS, Hyderabad, wherein it is requested to give instructions to the outsourcing agency to clear PF amount immediately, for which, petitioner sent a mail on 06.02.2019 requesting the authorities to send teaching and non-teaching desiring employees' Aadhar card and bank passbook scanned copy immediately, so that they can transfer

the amounts. It was also submitted that in fact, when the complaint was received, petitioner also addressed letter dated 26.02.2021 to the Inspector of Police, Kothagudem wherein it is stated that he is ready to deposit the pending amounts provided they submit Aadhar cards and other bank details. Learned counsel submits that absolutely, petitioner has no intention to withhold the amounts and in fact, he has continuously been corresponding with them, however, without furnishing the said details, the present crime was registered. Learned counsel therefore, submits that the case of petitioner may be considered for grant of pre-arrest bail.

4. Learned Assistant Public Prosecutor, on the other hand, submits that petitioner, having supplied teaching and non-teaching staff between 2016 and 2019, failed to remit the amount of Rs. 13 lacs, as such, the present crime was registered and investigation is pending. He submits that Accused No.2, who also supplied man power during 2019-20, moved bail application before this Court and the same was rejected, hence, petitioner is also not entitled for grant of pre-arrest bail.

5. Taking into consideration the correspondence that took place between petitioner and District Minorities Welfare Officer, which shows that petitioner was continuously requesting them to furnish Aadhar card and other details of the employees and as he is ready to pay the amounts, this Court deems it appropriate to grant pre-arrest bail to him.

6. Accordingly, this Criminal Petition is allowed. Petitioner – Accused No.1 shall surrender before the Station

House Officer, Kothagudem I Town Police Station in connection with Crime No. 50 of 2021 within one week from today and on such surrender and executing a personal bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer, he shall be released on bail. It is made clear that no further extension of time will be granted. Petitioner shall cooperate with the investigation and he shall appear before the police once in fifteen days till completion of investigation.

06th January 2022

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LALITHA KANNEGANTI, J

