

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3199 of 2023

ORDER:

Heard Sri S.Surender Reddy, learned counsel for the petitioner, as well as learned Additional Public Prosecutor who is representing the respondent-State.

2. Seeking pre-arrest bail, the present Criminal Petition is filed under Section 438 Cr.P.C., on behalf of the petitioner, who is arrayed as accused in Crime No.242 of 2022 of II Town Police Station, Adilabad.

3. Contending that the petitioner has not committed any offences whatsoever, learned counsel for the petitioner submits that the petitioner has got sufficient proof to show that he had credited the salaries to the respective accounts of the outsourcing employees and therefore, anticipatory bail may be granted. Learned counsel submits that the petitioner has not committed any offence attracting the provisions quoted i.e., Sections 409 and 420 IPC.

4. The submission of the learned Additional Public Prosecutor, on the other hand, is that the petitioner, who is maintaining Management Services Organization at

Karimnagar, failed to credit the amount that was released by the Government towards the services rendered by his outsourcing agency employees and therefore, a complaint was given to Police. Learned Additional Public Prosecutor further submits that 17 witnesses were examined till now.

5. As per the version of the prosecution, the outsourcing agency of the petitioner was chosen for rendering the outsourcing-man powering of 16 workers and their salaries were credited to the account of Akshara Outsourcing Agency, Karimnagar, which belongs to the petitioner, and the payments were made partially to the workers, but not in full.

6. By the submission of the learned Additional Public Prosecutor, it is clear that the material part of investigation is completed. The requirement for arrest of the petitioner and remanding him to judicial custody is not indicated anywhere. Thus, having considered the said fact and also, the fact that the material part of investigation is completed, this Court is of the view that the request of the petitioner can be honoured, however conditionally.

7. Resultantly, this Criminal Petition is allowed with the following conditions:-

- (i) The petitioner/accused is directed to surrender before the Court concerned within ten (10) days. On such surrender, he shall be enlarged on bail on his executing a personal bond for Rs.1,00,000/- (Rupees One lakh only) with two sureties for the like sum each to the satisfaction of the Court concerned. The sureties are directed to submit their two latest passport size photographs at the time of furnishing solvency. One such photograph is ordered to be pasted in the Surety Register against the name of the surety. The other photograph shall be kept in the case record concerned.
- (ii) In case, the petitioner/accused holds a passport, he is directed to surrender the same.
- (iii) The petitioner/accused should not involve in any unlawful activity.
- (iv) The petitioner/accused should afford all assistance for proper investigation of the case.
- (v) The petitioner/accused should not cause the evidence of the offence disappear.
- (vi) The petitioner/accused should not tamper with the evidence in any manner.

(vii) The petitioner/accused should not by way of inducement, threat or promise, dissuade any person who is acquainted with the facts of the case, from disclosing such facts to the Court or to the Police Officer.

(viii) The petitioner/accused should ensure his presence whenever required by the Court or Police.

(ix) The petitioner/accused shall not leave India without previous permission of the court concerned.

(x) The petitioner/accused shall report before the Station House Officer, II Town Police Station, Adilabad, on every Monday and Thursday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioner/accused shall file an affidavit before the court concerned disclosing the following particulars:-

- (1) Contact number
- (2) Mail address
- (3) Residential particulars.

In case, there is any change in the aforementioned details, the petitioner shall intimate

the court concerned by giving a fresh affidavit duly mentioning the change. He shall continue to do so till filing of the final report.

Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

12.4.2023
DR