

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.11592 of 2023

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. by petitioner/accused seeking anticipatory bail in the event of his arrest in connection with F.I.R No.115 of 2023 dated 01.11.2023 on the file of the Jainoor Police Station, Kumurambheem Asifabad District, registered for the offence punishable under Section 409 of Indian Penal Code (for short 'IPC').

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

3. The case against the petitioner is that he was working as Junior Assistant in GPCMS Limited, Asifabad. A complaint was lodged by the Manager on 01.11.2023 alleging that over a period of three years from 2020, there was a deficit amount of Rs.13,36,998/-. This petitioner had exhibited lack of supervision and proper maintenance of retail outlet petrol bunk under his control. However, on questioning, the petitioner paid an amount of Rs.1,27,220/- and at present, the deficit cash balance is Rs.12,09,779/-.

4. On the basis of the said complaint, the crime was registered for the offences under Sections 420 and 409 of IPC.

5. Learned counsel for the petitioner would submit that there is no basis to come to the conclusion regarding the alleged misappropriation. Every month, the accounts would be tendered. However, after a period of three years, a false allegation is leveled against the petitioner.

6. Keeping in view that it is mentioned in the complaint that there was a lack of supervision and maintenance and also no reason is given as to why the alleged misappropriation could not be detected over a period of three years, this Court is inclined to grant the relief of anticipatory bail, subject to the following conditions:

- 1) The petitioner/accused is directed to surrender before the Station House Officer, PS, Jainoor, Kumurambheem Asifabad District, on or before 04.12.2023. Upon such surrender, the said Station House Officer shall release the petitioner/accused on bail, on his executing personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for a like sum each to his satisfaction.
- 2) On such release, the petitioner/accused shall appear before the concerned police on every Friday at 10am for

a period of two (02) weeks and thereafter, as and when required for the purpose of investigation.

- 3) The petitioner/accused shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.

7. Accordingly, the Criminal Petition is allowed. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

Date : 28.11.2023
gvl/pvt

K.SURENDER, J

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CRIMINAL PETITION No.11592 of 2023
Dt.28.11.2023

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