

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.833 of 2024

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. by the petitioner/accused seeking to grant bail in the event of his arrest in connection with Crime No.2 of 2024 on the file of Chegunta Police Station, Medak District, registered for the offences punishable under Sections 406, 409 and 420 of Indian Penal Code.

2. The case of the prosecution in brief was that on 02.01.2024 at 14:00 hours, the complainant/D.Harikrishna lodged a report before the police stating that as per the instructions of the Additional Collector, when he along with District Civil Supplies Officer, Medak conducted verification of stocks at Mandal Level Stock Point, Chegunta found huge stock variations in the godown stocks to a total extent, a quantity of Rs.35,46,382/-. Basing on the said report, the above crime was registered for the above said offences against the petitioner herein, who is the Revenue Inspector.

3. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner/Accused submitted that the petitioner was transferred from Ramayampet Mandal to MLS point, Chegunta, took over charge from his predecessor on 22.11.2021. Immediately, thereafter, on 24.11.2021 he addressed a letter to the TSCSC Manager, Medak, that his predecessor had not maintained the records properly and brought to the notice of the higher officials that the stock registers were not handed over to him at the time of handing over the charge.

5. He further submitted that the stock of rice in which variation was detected was not handed over to the petitioner by his predecessor, as such, there was no entrustment of the property, therefore, the offences of criminal misappropriation, criminal breach of trust and cheating would not arise, and prayed for grant of anticipatory bail to the petitioner herein.

6. The learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner contending that huge amount of public money to an extent of Rs.35,46,382/- was

misappropriated by the petitioner herein, Section 409 of IPC was punishable with imprisonment for life, as such, petitioner was not entitled for grant of anticipatory bail.

7. Perused the record. Considering that the petitioner after taking charge of MLS point, Chegunta, immediately, informed to his superiors that the stock registers were not properly maintained and not handed over to him by his predecessor and a copy of the said letter dated 24.11.2021 was filed before this Court and he also gave an explanation to the charge framed against him in departmental enquiry to the District Collector stating the same and the truth or otherwise of the matter could be decided only during the trial, it is considered a fit case to grant anticipatory bail to the petitioner.

8. In the result, the Criminal Petition is allowed and the petitioner/accused is granted anticipatory bail subject to the following conditions:

- 1) The petitioner/accused is directed to surrender before the Station House Officer, Chegunta Police Station, Medak District, within a period of 15 days from the date of this order. On such surrender, the

said Station House Officer shall release the petitioner/accused on bail, on his executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer.

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

Miscellaneous applications, if any pending, shall stand closed.

Dr. G.RADHA RANI, J

Date : 09.02.2024
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