

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.1856 OF 2024

ORDER:

This Criminal Petition is filed under Section 438 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”) seeking anticipatory bail to the petitioner/Accused in Crime No.237 of 2019 on the file of Station House Officer, Thangallapalli Police Station, Rajanna Siricilla District, registered for the offences punishable under Sections 403, 409 and 420 of Indian Penal Code.

2. The case of the prosecution in brief was that on 27.11.2019 at about 15:10 hours, the Administrative Officer of 17th Battalion, TSSP Office, Thaddur, lodged a report before the Police stating that “Sri Venkateswara Consultancy Services” had provided the services of outsourcing employees to the Battalion from November 2014 to August 2016. It failed to pay the amounts under EPF, ESI and Service Tax, totaling Rs.49,61,175/-, and misappropriated and cheated the Government by failing to deposit in the individual accounts of the outsourcing employees. Basing on the said report, the above Crime was registered.

3. Heard learned counsel for the petitioner-Accused and learned

Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner had already deposited a sum of Rs.27,54,550/- to the Employees Provident Fund pursuant to the proceedings initiated by the Regional Provident Fund Commissionerate, Hyderabad. The issue was one of verification and reconciliation of accounts. The petitioner never received any notice from the Battalion intimating about the alleged dues of the Employees Provident Fund and prayed to enlarge the petitioner on anticipatory bail.

5. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner-accused stating that the offence under Section 409 of Indian Penal Code was also invoked against the petitioner, as such, he was not entitled for anticipatory bail.

6. Perused the record. Considering that the crime is of the year 2019 and the petitioner was also issued notices by the Regional Provident Fund Commissioner, Hyderabad and he also paid certain amounts which were due, it is considered fit to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.237 of 2019 on the file of Station House Officer, Thangallapalli Police Station on

certain conditions.

7. Accordingly, the Criminal Petition is allowed and the petitioner-accused shall be released on anticipatory bail subject to the following conditions:

- 1) The petitioner/accused is directed to surrender before the Station House Officer, Thangallapalli Police Station, Rajanna Siricilla 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.25,000/- (Rupees Twenty Five 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, pending if any, shall stand closed.

Date: 21.02.2024
ds/dsv

Dr. G.RADHA RANI, J

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