

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31st DAY OF JULY 2017

BEFORE

THE HON'BLE MRS.JUSTICE RATHNAKALA

CRIMINAL PETITION NO.4702/2017

BETWEEN:

MR.RAJESH PATERSON H.
S/O J.HARRY HENRI
AGED ABOUT 28 YEARS
R/AT NO.23, R.B.I. QUARTERS
CUBBON ROAD
OPP:RBANMS COLLEGE
AIRCOT NARAYANASWAMY MUDALIAR CIRCLE
SIVANCHETTY GARDENS
BANGALORE – 560 042.

...PETITIONER

(BY SRI BASAVARAJU B., ADV.)

AND:

STATE BY MARATHALLI POLICE STATION
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALORE – 560 001.

...RESPONDENT

(BY SRI CHETAN DESAI, HCGP.)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 438 OF CR.P.C., PRAYING TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HIS ARREST IN CR.NO.135/2017 OF MARATHAHALLI P.S., BANGALORE FOR THE OFFENCES P/U/S 406, 420 OF IPC.

THIS CRIMINAL PETITION COMING ON FOR ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Heard the learned counsel appearing for the petitioner/accused and the learned High Court Government Pleader appearing for the respondent-State.

2. The petitioner apprehends arrest in Cr.No.135/2017 registered by the respondent-police for the offences under sections 406 and 420 of IPC.

3. The allegation is, accused 1 to 3 working at Sakra World Hospital misappropriated a sum of Rs.28,72,000/- after collecting the bills pertaining to the complainant-Company from January 2016 to October 2016.

4. Learned counsel for the petitioner submits that the petitioner (A-3) was appointed as a care facilitator and he was never in the Accounts Department and has nothing to do with the offences alleged. There is inordinate delay in lodging the complaint. He is a sports person representing the State in Foot Ball game.

5. Learned Government Pleader submits that A-2 was arrested and from his possession a portion of the misappropriated amount was recovered. It is only during

Audit Inspection the offence committed by the accused came to light. Though they were issued appointment orders as Service Care Takers, later were posted to Accounts Department and have worked in the said Department during the relevant point of time. Before lodging the complaint a preliminary enquiry was held and all the three of them have unequivocally admitted the guilt.

6. Perused the case diary. The petitioner himself is said to have given a written submission to the hospital that the nature of his job, responsibility included billing activities for Doctor's consultation and assisting patients in connection with the Doctors appointment. Since the nature of the allegation requires custodial interrogation for recovery of the misappropriated amount, it is not in fitness of things to exercise the discretionary jurisdiction under Section 438 of Cr.P.C. Hence, the petition is rejected.

**Sd/-
JUDGE**

Dvr: