

GAHC010145072024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : AB/1859/2024

VALLEPU SRINIVASULU
S/O- VENKATARAMANA VALLEPU,
R/O- FLAT NO-302 AND 303 SREE PEARL APARTMENT, MARUTHI NAGAR,
3RD CROSS, ANANTHAPUR, ANDHRA PRADESH-515004,
PRESENT ADDRESS-
S.NO-3/2, MSR MANSION, FLAT NO-402, SRIRAMPURA JAKKUR,
YELAHNKA-560064

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : Sangjukta Jain, MR J SINGH,MR H AGARWAL,MS. S
BHUYAN,MR. B D KONWAR SR. ADV.

Advocate for the Respondent : PP, ASSAM, MR. A M BARUAH,S RABHA,MR G K DEKA,MR P
R SARMA,MR C GOGOI

B E F O R E
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

03.10.2024

Heard Mr B D Konwar, learned Senior Counsel for the petitioner, Sri Vallepu Srinivasulu, who has filed this application filed this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, for short), with prayer for pre-arrest bail, as he is apprehending arrest in connection with

CID PS Case No. 05 of 2024, under Sections 120B/255/257/260/406/418/419/420/465/467/468/471 of the Indian Penal Code, 1860. The petitioner has also prayed for bail on the ground of parity, as K R Nagappan has already been granted interim bail in connection with AB No. 1641/2024, by this Court on 26.06.2024.

2. Heard Mr D. Das, learned Additional Public Prosecutor for the State of Assam, who has raised serious objection against the petitioner's submission for interim bail stating that the petitioner is booked under a serious offence and he is not a local resident and is a flight risk. The learned counsel for the informant has raised serious objection stating that the petitioner is a history sheeter. He has duped several individuals and companies with the aid of his wife. He has embezzled crores of rupees and now under the shield of anticipatory bail in a slew of criminal cases he is evading investigation. He has committed economic offences and the ED is pursuing him and his wife. He is not entitled to bail as the role attributed to him goes to show that he is the prime accused in this case. He is also taking the protection of an FIR lodged by his companion K. R. Nagappan. Investigation will be adversely affected if he is insulated by an order of anticipatory bail. He is complicit and he has hatched the entire sinister ploy.

3. The FIR was lodged by Deepak Tyagi, who is also a business associate of the present petitioner.

4. It is submitted that the present petitioner and the informant were partners, but their partnership is facing rough waters and finally, the informant lodged the FIR against the present petitioner.

5. The petitioner has also prayed for bail as his daughter who met with an

accident passed away and the petitioner is in bereavement. The learned Senior Counsel has also prayed for bail as the prime accused has already been arrested in connection with this case as well as under co-related related cases and investigation will not be adversely affected if the petitioner is granted interim bail as well as pre-arrest bail.

6. The allegation is that the petitioner along with others named in the FIR, more particularly, Mr Rajesh Bansal and Mr R B Thakur induced the informant to get his company registered as supplier under the contract and supply category for the Matak Autonomous Council under the Assam Government for contract and supplies. Thus, the informant's company, M/s Sushila Gramodyog Sansthan was registered for contract works. The petitioner and the co-accused, Mr K R Nagappan then introduced the informant/complainant to the prime accused, Mr Partha Bhardwaj as the OSD of the Autonomous Council and there was a discussion in the meeting dated 30.01.2023, about procurement of mass order of motor pumps, blankets, mosquito nets, school bags, solar panels and other products by the Council. As the name of the prime accused, Mr Partha Bhardwaj was shown as OSD outside his office, the informant was induced into striking a deal with all the accused mentioned in the FIR.

7. Partha Bhardwaj also induced the informant to pay 5% of the order for supply of several articles in cash, after the meeting dated 01.02.2023, in the office of the Autonomous Council. The petitioner was also present in the meeting. Partha Bhardwaj also re-assured the informant that he could place orders upto Rs. 2000 crores from various suppliers. On being convinced, the informant went ahead with the contract. M/s Sushila Gramodyog Sansthan received three work orders via courier on 13.02.2023 for various supplies signed

by the Principal Secretary, Matak Autonomous Council, Dibrugarh, valued at Rs. 93,68,00,000. 5% of the cash security deposit was paid by the informant in cash. The informant's company then started supplying goods to the Council, valued at Rs. 3,10,28,000/-. Thereafter, the petitioner and the co-accused continued to raise the demand for the remaining amount of 5% of the security deposit as the informant had earlier paid Rs. 1 crore as security deposit. The informant was also apprised by the accused, Partha Bhardwaj that as the actual amount due tantamounts to Rs. 93,68,00,000/-, the 5% of the security deposit is much higher than the amount already paid by the informant. On their persistence, Rs.1,50,00,000/- was handed over to Mr K R Nagappan and the present petitioner during the informant's meeting at Delhi. After settling the articles for a value of Rs.3,10,28,000/-, the informant did not receive payment, but after much insistence the informant received only a payment of Rs. 27,44,000/- from the Autonomous Council. Additionally, on 23.08.2023, the informant received an amount of Rs. 46,80,000/- from the Autonomous Council.

8. It is submitted on behalf of the petitioner that this money was deposited in favour of the informant through bank transactions.

9. The learned Additional Public Prosecutor and the learned counsel for the informant have raised objection stating that an amount of Rs. 3.75 crores in cash was received by the accused named in the FIR and another amount of Rs. 2.36 crores is pending for payment to the informant's Company.

10. It is also submitted on behalf of the petitioner that the main accused, Partha Bharadwaj who has been already arrested in connection with this case, is behind the sinister ploy and the present petitioner was not wary of this fact. The present petitioner and the co-accused have also lodged an FIR against the main

accused, Partha Bhardwaj, which was registered as Dibrugarh PS Case No. 65 of 2020.

11. I have considered the submissions at the bar with circumspection. I have also scrutinized the Case Diary.

12. I have considered the submission of the petitioner that the petitioner is willing to cooperate with the investigation.

13. I have also considered that the petitioner is under bereavement due to a mishap which has occurred about three months back. The Case Diary reveals that the petitioner has not appeared before the Investigating Officer and has not co-operated with the investigation. The learned counsel for the petitioner has submitted that the petitioner will co-operate with the investigation.

14. Considering all aspects, petition is allowed. The interim order dated 22.07.2024 is hereby made absolute under the same terms and conditions. However, the petitioner is directed to appear before the Investigating Officer within 10 days and to cooperate with the investigation.

15. In terms of the above observation, this Anticipatory Bail application stands disposed of.

16. Send back the Case Diary.

JUDGE

Comparing Assistant