

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Criminal Petition No.4595 of 2015

ORDER:

The present petition is filed by the petitioner for grant of pre-arrest bail in connection with Cr.No.125 of 2015 of Bodhan Police Station apprehending his arrest in connection with the above crime and he allegedly committed the offence punishable under Sections 406, 407, 420, 421, 427 IPC.

The case of the prosecution is that the Government issued guidelines for procurement of paddy and rice to ensure MSP to the farmers for the KMS 2014-15 season and during the Kharif season Civil Supplies Corporation Limited, Nizamabad procured the paddy purchasers through centers opened through the P.A.C.S. and delivered quantity of 4636.444 Mts of paddy during the period from 03-11-2014 to 12-12-2014 to M/s.Shambavi Industries, Kummanpally village on the instructions of District Supply Office, Nizamabad and that the F.G.L. was in the name of K.Venkata Ramana Reddy for which the miller has delivered a quantity of 3106.47 Mts to custom milling rice for 67% but he has delivered only 80.598 Mts i.e. 3% to Civil Supplies Corporation, Nizamabad and that the balance custom milling rice to be delivered is 3025.822 Mts and its value is Rs.8,16,213.20 or he has to maintain paddy stock of 4516.152 Mts. The petitioner requested for extension of time to deliver CMR up to one year and submitted that V.Ramana Reddy FGL holder, partner of M/s.Shambavi Industries entered into an agreement with D.M.C.S.C stating that they were delivered custom miller rice within the validity period of 15 days from the date of receipt of the paddy or otherwise the miller is liable to pay the cost of the paddy supplied to the mill. But the petitioner inspite of supplying the quantity required to be supplied misappropriated the amount. Therefore, the crime was registered against the petitioner for the offences referred above. The main contention of the counsel for the petitioner is that due to heavy rains, the paddy was damaged and therefore, could not supply the levy rice to the Civil Supplies Corporation and filed W.P.No.8910 of 2015 for various reliefs and the same is disposed of with a direction to the authorities concerned to dispose of the representation for extension of time for supply of levy rice. This petitioner has nothing to do with the alleged offences much less the offence punishable under Sections 406, 407, 420, 421, 427 IPC and prayed to enlarge the petitioner on bail.

The learned Public Prosecutor vehemently opposed the petition on the ground that the petitioner misappropriated the paddy of worth Rs.8,16,84,213-20 ps and till today, the petitioner did not supply any quantity of levy rice to the Civil Supplies Corporation and the investigation is still pending.

As seen from the material available on record, the amount involved in the case is in crores and when A-1 received rice for custom milling, he is bound to supply the same to the concerned authorities under levy but failed to supply the same and misappropriated by A-1, where the petitioner/A-2 is partner. A-1 and the petitioner/A-2 being partners are liable for the acts of the firm. Therefore, the petitioner cannot be exonerated *prima facie* for the above offences. Taking into consideration, the huge amount involved in the offence, I find that it is not a fit case to grant pre-arrest bail to the petitioner.

Accordingly, the Criminal Petition is dismissed.

M. SATYANARAYANA MURTHY, J

21-05-2015

nvl