

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

THURSDAY, THE FIRST DAY OF FEBRUARY,
TWO THOUSAND AND EIGHTEEN
: PRESENT:

THE HON'BLE SMT JUSTICE **T.RAJANI**

CRIMINAL PETITION No. 761 of 2018

Between:

B.S.Nagender, S/o. Neelakantam

Petitioner

(Accused in Cr.No.4/2018
of Lingala Ghanpur P.S., Warangal Dist)

AND

The State of Telangana, rep by Public Prosecutor, High Court at Hyderabad, for the
State of Telangana and State of Andhra Pradesh, Hyderabad.

Respondent/Complainant

Petition under Section 438 of Cr.P.C. praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to enlarge the petitioner/Accused on anticipatory bail in the event of his arrest in Crime No.4 of 2018 on the file of the Lingala Ghanpur Police Station, Warangal District.

The Petition coming on for hearing, upon perusing the petition and the grounds filed herein and upon hearing the arguments of Sri P.Vishnuvardhana Reddy, Advocate for the Petitioner and of the Public Prosecutor (TG) for the Respondent, the Court made the following

ORDER:

“ This Criminal Petition is filed seeking for grant of anticipatory bail to the petitioner, who is accused, in Crime No.4 of 2018 on the file of the Station House Officer, Lingala Ghanpur Police Station, Warangal District. The offences alleged are under Sections 406, 409 and 420 of I.P.C.

2. Heard the learned counsel for the petitioner, learned Public Prosecutor appearing for the respondent-State, and perused the record.

3. The case of the prosecution is that the Civil Supplies Department has entered into a Memorandum of Understanding (MoU) with the petitioner, who is running a Rice Mill viz., M/s. Nagasai Agro Industries Para Boiled Rice Mill; as per which, the petitioner has to process the paddy, being supplied by the Civil Supplies Corporation, and supply the processed Custom Milling Rice (CMR) to the Civil Supplies Corporation. But, the petitioner sent only 2/3rd of the agreed custom milling rice to the Civil Supplies Corporation and the reason stated by the learned counsel for the petitioner is that only because of supply of inferior quality of paddy, he failed to supply the remaining custom milling rice as the inferior quality of paddy got broken during the milling process, resulting in producing the damaged custom milling rice.

4. Learned counsel for the petitioner brings to the notice of this Court, the order passed by this Court, in similar factual circumstances, in Criminal Petition No.9791 of 2016. He also draws the attention of this Court to a clause; in the agreement, as per which, if any dispute arises between the parties, it should be referred to an Arbitrator.

5. Hence, considering the above, this Court opines that this is a fit case for grant of anticipatory bail to the petitioner. Accordingly, the Criminal Petition is allowed. The petitioner/accused is directed to surrender before the Station House Officer, Lingala Ghanpur Police Station, Warangal District, within 15 days from the date of this order. On such surrender, the petitioner/accused shall be released on bail on his executing personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer. Further, on such release, the petitioner/accused shall abide by the conditions mentioned under Section 438(2) Cr.P.C., as under:

..2..

1) The petitioner shall make himself available for interrogation by a police officer as and when required;

2) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and

3) The petitioner shall not leave India without the previous permission of the Court.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.”

ASSISTANT REGISTRAR

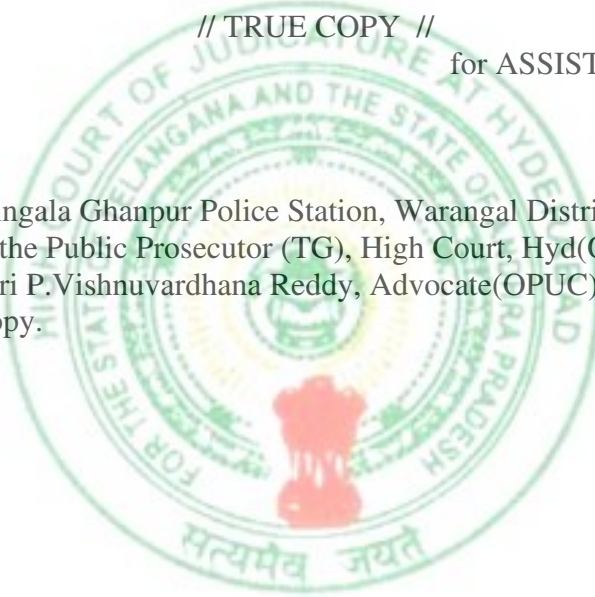
// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The SHO, Lingala Ghanpur Police Station, Warangal District.
2. Two CCs to the Public Prosecutor (TG), High Court, Hyd(OUT)
3. One CC to Sri P.Vishnuvardhana Reddy, Advocate(OPUC)
4. One spare copy.

SAH



HIGH COURT

TRJ

DATED: 01-02-2018

ORDER

CRL.P.NO. 761 OF 2018



ANTICIPATORY BAIL

DRAFTED BY: SAH
APPROVED BY:
DRAFTED ON: 02-02-2018

HIGH COURT

TRJ



DATED: 01-02-2018

ORDER

CRL.P.NO. 761 OF 2018

ANTICIPATORY BAIL