

HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No. 7992 of 2018

ORDER:

The petitioner is A.4 as per the remand report of A.1 & A.2, dated 11.04.2018 in Crime No.60 of 2018 of Challapalli Police Station, Krishna District, registered for the offences punishable under Sections 420, 406, 407 r/w 34 IPC.

2. The sum and substance of the accusation of the *de facto* complainant impleaded is that he is doing paddy business on commission basis for the past 14 years and in December, 2017 A.1 & A.2 approached the petitioner and others to supply paddy. The total value of 130 lorries supplied is Rs.6,15,00,000/- and after negotiations they promised to pay 50% of the value at the time of loading and balance within 15 days and he arranged from the fields in lifting the paddy directly to the petitioner- Proprietor of Tirumala Industries, Tumkur, Karnataka State and others and as per the arrangements the *de facto* complainant was paid Rs.2.00 Crores and A.1 & A.2 also purchased 40 lorries for the A-4 (petitioner) and some more to the other Rice Mills and they did not pay the amount and there were no proper replies. Hence, to take action.

3. After registration of the crime, A.1 & A.2 were arrested and their remand report shows they made disclosures about they collected Rs.1,65,78,290/- from A.4 and not paid the same to the *de facto* complainant.

4. A perusal of the remand report also shows privy of the petitioner. Initially, after hearing in this anticipatory bail application this Court passed an interim order of not to arrest the petitioner and extended the same from time-to-time which is in force by impleadment of the second respondent—*de facto* complainant.

5. The *de facto* complainant filed counter in saying the petitioner is also privy. As per the contentions of the counsel for the petitioner, the petitioner paid all the amounts to A.1 & A.2. If at all there is any transaction remained in the dealings between A.1 & A.2, the *de facto* complainant is nothing to do for not directly supplied by the *de facto* complainant to the petitioner by any direct dealing.

6. Heard the learned counsel for petitioner and the learned Special Assistant Public Prosecutor representing the State of Andhra Pradesh in opposing the same and perused the F.I.R., the bail application averments and other material on record.

7. From perusal of the material on record, it is not a case for anticipatory bail as it requires investigation with reference to the books of accounts in relation to the transactions and by interrogation of the petitioner also if necessary.

8. Taking consideration of these facts, for none of the offences are punishable above seven years this Criminal Petition is disposed of directing the police to strictly follow Section 41-A Cr.P.C. and the guidelines of the Apex Court in **Arnesh Kumar Vs. State of Bihar**¹.

Dr. B. SIVA SANKARA RAO, J

08.10.2018

JR

¹ (2014) 8 SCC 273

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