

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No. 3540 of 2019

ORDER :

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A.3 to A.7, A.10, A12, A.13 and A.17, for grant of anticipatory bail in Crime No.132 of 2018 of Mavala Police Station, Adilabad, registered for the offences punishable under Sections 403, 409 and 420 of IPC.

2. Heard learned counsel for the petitioners/A.3 to A.7, A.10, A12, A.13 and A.17, learned Additional Public Prosecutor appearing for the respondent/State and perused the record.

3. The case of prosecution, in brief, is that the office of the District Manager TSREDCO, Adilabad, was established in the year 1987-88, which is functioning under the control of Head Office, i.e., VC & Managing Director, TSREDCO Limited, Hyderabad. The District Office at Adilabad was entrusted with the work of implementation of the scheme of the National Biogas and Manure Management Programme (NBMMP) as per the guidelines issued for the installation of the household Biogas plants on giving subsidy at Rs.11,000/- for the beneficiaries belonging to SC, ST and at Rs.9,000/- for others in the erstwhile Adilabad District through the Biogas development agency/self employed workers. The District Manager (A.1) has to implement the scheme. A.1 colluded with A.2/the then Assistant Field Officer and engaged A.3 to A.17 in the work of construction of Biogas plants to the selected beneficiaries. A.3 to A.17 furnished information to A.1 regarding completion of work. During Audit officials, they find out that out of 1231 Biogas plants, only 29 plants were constructed in full shape and 1202 Biogas plants were not

constructed, but the cost of plants subsidy amount of Rs.1,14,18,000/- were paid to A.3 to A.17.

4. Learned counsel for the petitioners would submit that with an intention to harass the petitioners, the *de facto* complainant hatched a plan and made a false complaint against them. The petitioners are no way connected with the alleged offences. Hence, he prayed to grant anticipatory bail to the petitioners.

5. Learned Additional Public Prosecutor representing the respondent-State opposed to grant bail to the petitioners and prayed to dismiss the petition.

6. The material placed on record shows that the petitioners having received the amounts, failed to construct the biogas plants as required in terms of the scheme. This itself shows the *malafide* intention of the petitioners to usurp the public money. The scheme is meant for the benefit of the public at large. Hence, the petitioners have committed fraud and misappropriated the public money. Therefore, they are not entitled for anticipatory bail.

7. Accordingly, the Criminal Petition is dismissed. However, if the petitioners/A.3 to A.7, A.10, A.12, A.13 and A.17 surrender before the Court below concerned and move an application for regular bail, after giving prior notice to the Public Prosecutor concerned, the same may be considered in accordance with law.

JUSTICE G. SRI DEVI

08.07.2019
ssp