

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION Nos.2496 OF 2022 & 2520 OF 2022

COMMON ORDER:

Crl.P.No.2496 of 2022 is filed under Section 438 Cr.P.C. seeking bail to petitioner/accused No.1 in the event of his arrest in connection with Crime No.38 of 2022 on the file of Garidepalli Police Station, Suryapet District, registered for the offencespunishable under Sections420, 406 and 409 of the Indian Penal Code.

2. Crl.P.No.2520 of 2022 is filed under Section 438 Cr.P.C. seeking bail to petitioner/accused No.1 in the event of his arrest in connection with Crime No.14 of 2022 on the file of Penpahad Police Station, Suryapet District, registered for the offences punishable under Sections420, 406 and 409 read with Section 34 of the Indian Penal Code.

3. Since the petitioner/accused No.1 is one and the same in both the crimes, these criminal petitions are disposed of by way of a common order.

4. Heard the learned counsel for the petitioner, and learned Assistant Public Prosecutor for the respondent-State.

5. The case of the prosecution is that the owner of M/s. Sri Hanuman Shiva Sai Rice Binny Modern Rice Mill, Gaddipally, in collusion with IKP Center Members created fake farmers and without procuring paddy, created truck chits as if the members of the IKP purchased the paddy from the farmers and sent the truck to M/s. Sri Hanuman Shiva Sai Rice Binny Modern Rice Mill, Gaddipally, and on receiving the document by the said Rice Mill saying that paddy was received, amounts were transferred into the fake farmers' account. Therefore, the owners of M/s. Sri Hanuman Shiva Sai Rice Binny Modern Rice Mill, Gaddipally, misappropriated the funds in collusion with IKP Center Members by creating fake farmers and a total of Rs.1,05,04,816.00 was credited into the accounts of the fake farmers.

6. Learned counsel for the petitioner/accused No.1 submits that he has nothing to do with M/s. Sri Hanuman Shiva Sai Rice Binny Modern Rice Mill, Gaddipally, and filed the ownership certificate issued by the Ministry of Micro, Small and Medium Enterprises which shows that one Smt. Sravanthi Sundari is the proprietor of M/s. Sri Hanuman Shiva Sai Rice Binny Modern Rice Mill, Gaddipally. The said document goes to show that the petitioner is not the owner or partner in the said Rice Mill.

7. For the said reason, the provisions of Section 409 of IPC will not be attracted since there is no entrustment to the petitioner.

8. In the said circumstances, the respondent-Police are directed to follow the procedure as contemplated under Section 41-A Cr.P.C and the guidelines formulated by the Hon'ble Supreme Court in ***Arnesh Kumar v. State of Bihar***¹scrupulously. It is needless to say, any deviation in this regard will be viewed seriously.

¹ (2014) 8 SCC 273

9. The Criminal Petition is accordingly, disposed of.

10. Miscellaneous applications pending, if any, in this criminal petition, shall stand closed.

K.SURENDER, J

Date: 28.03.2022

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