

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.7796 OF 2022****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail to the petitioner, who is arrayed as Accused No.1 in the event of her arrest in Crime No.331 of 2022 on the file of Station House Officer, RGI Airport Shamshabad Police Station, Cyberabad registered for the offences punishable under Sections 420 and 408 of Indian Penal Code.

2. Heard the learned counsel for the petitioner, learned senior counsel for the Respondent No.2 and learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. The allegation against the petitioner is that while she was working as Deputy General Manager (DGM) to the head of the Procurement & Contracts (P&C) Department of the MRO division of the Company (Maintenance, Repair and Overhaul services) with GMR Group, it is alleged that she has purchased the material without any valid contract that was executed on behalf of the company. In the said process certain material was supplied to the company at

inflated costs. For the said reasons narrating several transactions that the petitioner is taken up during the course of her employment, a detailed complaint is filed. In the said complaint it is alleged that the acts of this petitioner resulted in loss of nearly rupees 40 lakhs to the company.

4. The learned counsel for the petitioner submits that in fact this is the case wherein Section 41-A Cr.P.C. has to be followed scrupulously since the case is registered for the offences under Sections 408 and 420 of IPC. Deliberately, at a subsequent stage, to avoid the procedure under Section 41-A Cr.P.C., Section 409 of IPC is included, though the facts of the present case do not attract the ingredients of Section 409 of IPC. Learned counsel for the petitioner further submits that any purchases have to be made with the consent of the CEO of the said company who are all the superiors of this petitioner and in fact not even a single purchase order is submitted before this Court for perusal, however, this petitioner was made as scapegoat in the entire transaction.

5. On the other hand the learned Senior Counsel appearing on behalf of the respondent No.2/*de facto* complainant company would

submit that the petitioner is not assisting investigation and in fact it has come to the knowledge of the company that there were several transactions which had taken place resulting in loss to the company, further, the said procurement of the material may have resulted in accidents also and the reputation of the company is at stake on account of the purchases that were made by the petitioner. He relied upon the judgment of the Hon'ble Supreme Court in case of *N.Raghavender v. State of Andhra Pradesh, CBI*¹ and argued that Section 409 of IPC is attracted in the present facts of the case.

6. As seen from the complaint, the petitioner had indulged in purchase of material without there being any valid contract, however, nowhere it is alleged that the petitioner had deliberately purchased inferior quality material to cause any adverse effect. Since the petitioner had already appeared before the concerned police on 16.07.2022 and 25.08.2022 and assisted investigation, since all the details of the purchases made and the purchase orders are in the knowledge of the investigating agency, custodial interrogation of this petitioner may not be required.

¹ 2021 SCC Online SC 1232

7. Accordingly, the Criminal Petition is allowed and the petitioner/Accused No.1 shall be enlarged on bail in the event of her arrest subject to the following conditions:

i) The petitioner/Accused No.1 is directed to surrender before the Station House Officer, RGI Airport Shamshabad Police Station, Cyberabad on 19.09.2022 and on such surrender, she shall be enlarged on bail on her executing personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh Only) with two sureties to the like sum each, to its satisfaction.

ii) In the interest of the investigation, the petitioner is directed to appear before the concerned Station House Officer from 19.09.2022 to 23.09.2022 between 10.00 AM to 01.00 PM and thereafter as and when required. Needless to say during the said three hours on the dates from 19.09.2022 to 23.09.2022, the police shall interrogate the petitioner in accordance with the guidelines.

iii) The petitioner/Accused No.1 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

Miscellaneous applications pending, if any, shall stand closed.

K.SURENDER, J

Date: 08.09.2022
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