

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.1969 OF 2024

ORDER:

This Criminal Petition is filed under Section 438 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”) seeking anticipatory bail to the petitioner/Accused in Crime No.4 of 2024 on the file of Station House Officer, Sarangapur Police Station, Nirmal District, registered for the offences punishable under Sections 406, 420 and 409 of Indian Penal Code.

2. The case of the prosecution in brief was that on 10.01.2024 at about 17:00 hours, the Deputy Tahasildar, Enforcement, Sarangapur Mandal, Nirmal District lodged a complaint stating that the Government collected paddy from the farmers during 2022-2023 Kharif season, 23441 bags of paddy, was handed over to the Rice Millers with a written agreement and collected rice from the rice millers, but the owner of Sri Annapurna Agro Industries handed over only 4 Acks of Custom Milling Rice and failed to deliver 18 Acks of CMR Rice and when they asked about the remaining paddy, the petitioner was seeking extension of time to deliver the same. He further stated that he found 19021 paddy bags in the open place i.e., in the back side of the Rice Mill, which became wet

and caused loss to the Government to an extent of Rs.1.62 Crores (One Crore Sixty Two Lakhs Only). Basing on the said report, the above crime was registered.

3. Heard Sri B. Ravi Kiran Rao, learned Senior Counsel representing Sri V. Rohith, learned counsel for the petitioner-Accused and the learned Additional Public Prosecutor for the respondent-State.

4. Learned Senior Counsel for the petitioner submitted that the petitioner had not committed any offence as alleged by the defacto complainant, there were no allegations of misappropriation of paddy. The only allegation was that because of the negligence in the storage of paddy in the adjacent space of Rice Mill, the paddy became wet, as such the alleged offences would not attract against the petitioner. Section 409 of Indian Penal Code was incorporated only to avoid notice under Section 41-A Cr.P.C and prayed for grant of anticipatory bail to the petitioner.

5. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner-accused stating that in similar cases, the bail petitions of others were dismissed, the petitioner had misappropriated an amount of Rs.1.62 Crores as per the complaint.

6. Perused the record. Considering the submissions of both the learned counsel, as no paddy was available in the other cases, but in the present case, the report itself was disclosing that about 19021 of paddy bags were found stored in the open place i.e., back side of the Rice Mill and due to not storing the paddy in a proper manner, they became wet and as the petitioner had not committed any misappropriation of paddy or not doing any clandestine business and the petitioner being a woman, it is considered fit to enlarge the petitioner on anticipatory bail in the event of her arrest in Crime No.04 of 2024 on the file of Station House Officer, Sarangapur Police Station on certain conditions.

7. Accordingly, the Criminal Petition is allowed and the petitioner-accused shall be released on anticipatory bail subject to the following conditions:

- 1) The petitioner/accused is directed to surrender before the Station House Officer, Sarangapur Police Station, Nirmal District, within a period of 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioner/accused on bail, on her executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand

only) with two sureties for a like sum each to the satisfaction of the said Station House Officer.

- 2) The petitioner/accused shall abide by the conditions stipulated under Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigation of the case.

Miscellaneous applications, pending if any, shall stand closed.

Date: 22.02.2024
ds/dsv

Dr. G.RADHA RANI, J

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.1705 OF 2024
Date: 22.02.2024

ds/dsv