

HONOURABLE Dr.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.4353 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-A2 in Crime No.220 of 2024 on the file of Chaitanyapuri Police Station, Rachakonda Commissionerate, registered for the offences under Sections 420, 406 and 506 read with 34 of Indian Penal Code (for short ‘IPC’).

2. The case of the prosecution in brief was that the *de-facto* complainant was one of the directors of M/s.Smart Agro Feed Private Limited, which manufactured poultry feed and supply it to all over India as per the customers requirement. The petitioner-A2 and other accused approached the *de-facto* complainant and other directors and introduced themselves as distributors of poultry feed and informed that they had number of clients and would give huge business to the Company. As per their orders / instructions requested the poultry feed to be supplied directly to the customers of the accused and requested for 30 days credit period for payment. Subsequently, M/s.Smart Agro Feed Private Limited supplied the feed as per the orders of the petitioner-A2 and other accused. They used to supply feed to the customers of the accused and raised invoices in the name

of the firms of the accused and used to receive payment from the accused. The accused and others failed to clear the outstanding dues. The petitioner-A2 was due an amount of Rs.6,69,06,740/-. As such, a complaint was lodged by the *de-facto* complainant stating that the accused approached the directors of M/s.Smart Agro Feed Private Limited with a dishonest intention and induced them to deliver the goods on credit and collected the amounts from their customers and used the same for their benefits and caused huge loss to M/s.Smart Agro Feed Private Limited and when the directors of M/s.Smart Agro Feed Private Limited went to the business places and homes of the accused, the accused threatened them with dire consequences. As such, lodged the above report.

3. Heard the learned counsel for the petitioner-A2 and the learned Additional Public Prosecutor for the respondent – State.

4. Learned counsel for the petitioner-A2 submitted that police have already issued a notice under Section 41-A Cr.P.C to the petitioner and the petitioner gave reply on 12.04.2024 but police were threatening to arrest him in connection with the above crime, if he would not settle the matter with the *de-facto* complainant. As such, the petitioner was apprehending his arrest and prayed to enlarge the petitioner on anticipatory bail.

5. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner stating that a huge amount of more than Rs.6,69,06,740/- was due by the petitioner to the *de-facto* complainant.

6. Perused the record. Considering that the transaction *prima facie* appears to be civil in nature and the complaint is lodged for recovery of the amounts due and as the alleged offences do not appear to attract, it is considered fit to enlarge the petitioner-A2 on anticipatory bail on certain conditions.

7. Accordingly, the Criminal Petition is allowed and the petitioner-A2 shall be released on anticipatory bail subject to the following conditions:

- 1) The petitioner-A2 is directed to surrender before the Station House Officer, Chaitanyapuri Police Station, Rachakonda 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-A2 on bail, on his 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-A2 shall abide by the conditions stipulated under Section 438(2) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Dated: 26.04.2024
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Dr. G.RADHA RANI, J

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.4353 OF 2024
Dated:26.04.2024

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