

HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.7739 of 2024

ORDER :

Petitioner/Accused No.9 has filed this petition under Sections 437 and 439 of Cr.P.C., seeking bail in Cr.No.01/RCO-CIU-ACB/2024 (FIR.No.1451 of 2024 of P.S.Gachibowli), registered for the offences under Sections 13(1)(a) r/w. 13(2) and Section 7(c) of the Prevention of Corruption Act, 1988 and Section 120-B r/w. Section 34 of IPC.

2. Heard Smt. B. Neeraja S. Reddy, learned counsel for petitioner and Sri Sridhar Chikyala, Special Public Prosecutor for ACB Cases, appearing for the respondent-State.

3. The case of the prosecution is that petitioner was the Managing Director of Telangana State Sheep and Goat Development Co-operative Federation Ltd. (TSSGDCF) and was also the Chief Executive Officer of Telangana State Livestock Development Agency. The Government of Telangana has introduced a sheep rearing scheme, under which, many number of sheep units are to be procured and distributed to the beneficiaries. Each unit consists of 21 sheep (20 eve and 1 ram). Alleging that certain irregularities took place while procuring the sheep units by the Sheep Procurement officials resulting in misappropriation of funds, a case was registered initially against 8 persons and during the course of

investigation, the petitioner herein, being the Chief Executive Officer and Managing Director of the TSSGDCF, has been arrayed as accused No.9.

4. The further case of the prosecution is that as per the guidelines issued by the predecessor in office of the petitioner, only 5 units of sheep should be purchased from a single seller, however, the said guidelines were violated and more units of sheep were purchased from a single seller and in one such instance, 287 units were purchased from one particular seller, and in some cases, only 14 sheep have been shown as one unit instead of 21, however, the petitioner has suppressed the said facts from the District Collector, Nalgonda. It is further alleged that as per the statements of two sellers, namely, K. Vinay and Sharath, the petitioner has collected Rs.1,300/- per unit from the sellers.

5. It is contended by the learned counsel for petitioner that the petitioner is falsely implicated in this case due to political influence and also to deprive him the promotion which was due on 01.06.2024. It is contended that the petitioner has discharged his duties in a transparent manner while procuring the sheep units as well as while making payments to the sellers and that when allegations of misappropriation of funds came to his knowledge, the petitioner has also initiated steps for recovery of amounts from the erring officials. It is further contended that the Government did not issue any orders imposing cap of procuring only 5

units of sheep from a single seller and that such guidelines were issued only by the Managing Director who worked prior to the petitioner herein, which are not binding on him. It is further contended that while announcing the scheme, the Government has issued G.O.Rt.No.52, dated 11.04.2017 approving the guidelines for implementing the Sheep Rearing Scheme, wherein, there is no cap of procuring only 5 units from a single seller, and inspite of the same, an allegation is made that the petitioner has violated the guidelines of the scheme.

6. It is further contended by the learned counsel for petitioner that Accused Nos.3 to 8 in this case, who are Government officials, have been granted bail, and that the petitioner/accused No.9, being the Managing Director of TSSGDCF, had only supervised the overall implementation of the scheme and is not concerned either with procurement of sheep units from the sellers or making payments to such sellers, which will be looked after by the ground level officers appointed for that purpose. It is further contended that as most of the investigation is completed, no purpose would be served by keeping the petitioner in custody, and accordingly, prayed to enlarge the petitioner on bail.

7. The learned Special Public Prosecutor for ACB cases, appearing for the respondent-State, has contended that the petitioner/accused No.9 has violated the guidelines for implementation of scheme by ignoring the cap

imposed for procuring not more than 5 units of sheep from a single seller and that the petitioner has misguided the District Collector as well, without bringing to his notice about the violations committed in implementation of the scheme, though he was alerted by some officers through WhatsApp messages to that effect. It is further contended that the investigation is yet to be completed, as out of 20 witnesses, only 10 have been examined and that the fake sellers of sheep are also to be examined. It is further contended that if the petitioner is enlarged on bail, he may influence the witnesses, who are the officers working under his control. Accordingly, he prayed to dismiss the petition.

8. In this case, the crux of the allegation against the petitioner is that inspite of there being cap for procuring not more than 5 units of sheep from a single seller, the petitioner, by colluding with the sellers, has allowed for procurement of more units from single sellers, and in one such case, 287 units have been purchased from a single seller. With regard to this allegation, the learned Special Public Prosecutor did not produce any orders issued by the Government, imposing the cap of procuring not more than 5 units from a single seller and he has merely relied on the guidelines issued by the predecessor in office of the petitioner. The original guidelines issued by the Government vide G.O.Rt.No.52, dated 11.04.2017 did not contain any such cap. Be that as it may, whether the petitioner

herein has violated any guidelines issued by the Government or not, is a matter to be decided during the course of trial.

9. As far as the present bail application is concerned, the only aspects to be gone into are the stage of investigation and whether there is any necessity to continue the petitioner in custody for a further period. In this case, the FIR was registered on 22.01.2024 and the petitioner was arrested on 31.05.2024 and is in jail since then. According to the Prosecution, 10 witnesses out of 20 have been examined and it is not known as to why the Police could not record the statements of all the witnesses till date, though the case was registered on 22.01.2024. Further, accused Nos.3 to 8 the officials, are already enlarged on bail. It is pertinent to note here that the complaint in the present case has been made by a seller who has supplied sheep for the scheme, alleging that an amount of Rs.2,10,14,000/- is due to be paid to different sellers by the Animal husbandry officials and the Contractor. In this regard, it is to be seen that being the Managing Director, the role of petitioner herein is the overall supervision of the scheme and he is not concerned with the ground level procurement of sheep from the sellers and making payments to such sellers.

10. Taking into consideration the fact that the petitioner has been in custody since 31.05.2024 and most part of investigation is already completed, and further, as accused Nos.3 to 8 have already been enlarged

on bail, this Court is of the considered view that it is a fit case for grant of bail to the petitioner, subject to the following conditions :

- 1. The petitioner/accused No.9 shall be released on bail on his executing a personal bond for Rs.20,000/- with two sureties for the like sum each to the satisfaction of the Principal Special Judge for SPE and ACB Cases, Hyderabad at Nampally.**
- 2. The petitioner/accused No.9 shall comply with the conditions as laid down under Section 437 (3) of Cr.P.C.**

Petition is allowed accordingly.

JUVVADI SRIDEVI, J

Date: 22.07.2024

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