

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.8885 of 2024

ORDER:

This Criminal Petition is filed under Section 438 of Code of Criminal Procedure, 1973, for grant of pre-arrest bail to the petitioner who is arrayed as accused No.2 in Crime No.7 of 2024 of Gundala Police Station, Rachakonda.

2. The brief facts of the case are that on 25.01.2024, the *de facto* complainant filed a complaint stating that M/s.Laxmi Narayana Reddy Binny Rice Mill, Anantharam has entered into MOU with the District Manager, TSCSCL, for KMS 2022-2023 and a quantity of 1975 MTs of paddy has been issued to the rice mill and even after giving sufficient time, they failed to deliver the 100% CMR against Khairff 2022-2023 and pursuant to the instructions of the Collector, inspection was conducted and found misappropriation of the stocks. Based on the complaint, a case was registered vide Crime No.7 of 2024 before the Gundala Police Station, Rachakonda, for the offences punishable under Sections 409, 420 read with 34 of IPC.

3. Heard, Sri Ramesh Bura, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Manoon, learned Additional Public Prosecutor appearing on behalf of the respondent No.1-State.

4. Learned counsel for the petitioner *firstly* submitted that the petitioner is innocent and he is no way concerned with the alleged offences. He *secondly* submitted that the petitioner was one of the partners in M/s.Laxmi Narayana Reddy Binny Rice Mill, Anantharam and at that time, the Rice Mill entered into a MOU with Civil Supplies Department and the same paddy was supplied. He *thirdly* submitted that the other partner of the rice mill died on 20.11.2022, as a result of which, the petitioner alone could not maintain the said rice mill and as such he along with the L.Rs., of the deceased partner have offered to sell the said rice mill and pursuant to the said offer, accused No.1 to purchased the same through registered sale deed vide Doc.No.509 of 2022, dated 20.03.2023 delivered the possession of the said rice mill along with the machinery and stocks. He *lastly* submitted that no liability can be fastened against the petitioner as the said rice mill along with the entire assets including the stocks were

handed over to accused No.1 and prayed the Court to grant anticipatory bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the petitioner and deceased brother approached the Additional Collector Yadadri Bhuvanagiri and gave an under taking that being the partner he will clear the dues pertaining the year Kharif 2021-2022 and also for the season 2022-2023 and requested the Authority to continue allotment of the Paddy and even after giving the undertaking, the petitioner failed to keep up his promise, therefore, granting bail to the petitioner, at this stage, does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. After considering submissions from both the parties and material available on record, it is apparent that the petitioner and deceased brother handed over the said rice mill to accused No.1 on 20.03.2023. Pertinently, the petitioner is not the owner of the said mill at the time of delivery of the paddy on 25.01.2024. Further, all witnesses were examined and material part of the investigation is also completed. Therefore,

considering the facts and circumstances of the case, this Court is of the considered view that it is a fit case for granting of anticipatory bail to the petitioner.

7. Accordingly, this petition is allowed granting anticipatory bail to the petitioner subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer of P.S.Gundala, Rachakonda, Commissionerate, Yadadri Bhuvanagiri District, within two weeks from today, and on such surrender, the said Station House Officer shall release him on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.
- ii. The petitioner shall appear before the concerned Station House Officer on every Monday between 9:00 A.M. to 5:00 P.M., for a period of eight (08)

weeks or till filing of charge sheet
whichever is earlier.

- iii. The petitioner shall abide by the other
conditions stipulated in Section 482(2)
of Bharatiya Nagarik Suraksha
Sanhita, 2023.

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand
closed.

K. SUJANA, J

Date: 09.12.2024
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