

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.13315 OF 2024

ORDER:

This criminal petition is filed by the petitioner – accused No.2 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of anticipatory bail in Crime No.148 of 2024 on the file of Noothankal Police Station, Suryapet District, registered for the offences under Sections 61 (2), 318 (4) of Bharatiya Nyaya Sanhita, 2023 and Section 07 of Essential Commodities Act, 1955.

2. The case of the prosecution in brief was that on 05.10.2024 at 14-00 hours, while the SI of Police, Noothankal Police Station along with his staff was conducting vehicle checking at Yerrapahad X road, he found an Ashok Leyland vehicle bearing No. TS-30-T-3742 coming from Maddirala village towards Noothankal. The SI stopped the vehicle and on checking found 60 PDS rice bags. On enquiry, the driver revealed his name as Ponnamm Murali/accused No.4 and stated that the rice bags and vehicle belonged to one Kasam Ramesh (accused No.1) and produced a photocopy of the proceedings.

The SI suspected the same to be PDS rice and that the same was transported with invalid documents, seized the vehicle and addressed a letter to the District Civil Supplies Official to verify the same. On 16.10.2024, the Civil Supplies Official informed that the PDS rice was transported illegally without valid documents. On 16.10.2024 at 14-00 hours, the SI summoned accused No.4 along with mediators and conducted confession-cum-seizure panchanama of accused No.4. It was further stated that during the confession, accused No.4 revealed that he was working as driver under Kasam Ramesh (accused No.1) and accused No.1 was the owner of a rice mill. As per his instructions, he went to the ration shop at Maddirala Village and met Guda Venkat Reddy (accused No.3), who was a ration dealer and met Banothu Venkateshwarlu (petitioner/accused No.2), who was also available there and they transferred PDS rice from the 60 PDS Government stamped rice gunny bags into white plastic bags each one containing 50 kgs of PDS rice, total 30 quintals and loaded 60 white plastic rice bags into the said vehicle bearing No.TS-30-T-3742. After that Banothu Venkateshwarlu and Guda Venkat

Reddy (accused Nos.2 and 3) gave the photo copy of the proceedings to show to the officials, if there was any checking on the vehicle. Accused Nos.3 and 4 were arrested on 24.10.2024 and Accused No.1 was arrested on 02.11.2024.

3. Heard Sri Nagender Naik Dheeravath, learned counsel appearing for the petitioner and learned Additional Public Prosecutor for respondent-State.

4. The learned counsel for the petitioner submitted that the Police had falsely implicated the petitioner and were trying to arrest him and were frequently visiting his residence. Except mentioning his name in the confession statement of accused No.4 that he was also present at the residence of accused No.3, no other allegations were made against him. As the petitioner was intending to contest as Sarpanch in the election, to tarnish his image, his name was falsely implicated.

5. The learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner stating that accused No.1

also confessed about the role of the present petitioner and opposed grant of anticipatory bail to the petitioner.

6. Considering that there were no specific allegations made against the petitioner by the accused No.4 initially, but when he was examined subsequently on 16.10.2024 stated that the petitioner buys PDS rice and sells them illegally to his owner Kasam Ramesh (accused No.1) and others and no corroborative evidence was collected by the investigating officer till date in support of the said allegation, it is considered a fit case for grant of anticipatory bail to the petitioner.

7. In the result, this Criminal Petition is allowed, directing the petitioner/accused No.2 to be released on bail, in the event of his arrest, in the above crime, subject to the following conditions:

- i) The petitioner/accused No.2 shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the SHO, Nuthanakal Police Station, Suryapet District.

ii) The petitioner/accused No.2 shall appear before the SHO, as and when he was summoned for the purpose of investigation and he should cooperate with the investigating officer in conducting the investigation.

iii)The petitioner/accused No.2 shall abide with the conditions laid down under Section 482 (2) of BNSS.

Miscellaneous applications, if any, pending, shall stand closed.

Dr. G. RADHA RANI, J

Dt: 08.11.2024
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