

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.13405 OF 2024

ORDER:

This criminal petition is filed by the petitioner – accused No.5 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 111, 61 (2), 316 (5), 318 (4), 335, 336 (3), 340 (2) r/w. 49 of Bharatiya Nyaya Sanhita, 2023 and Section 07 of Essential Commodities Act, 1955.

2. 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 (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 the officials, to show, 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 Pasham Ravindra Reddy, learned counsel appearing for the petitioner and learned Additional Public Prosecutor for respondent-State.

4. The learned counsel for the petitioner submitted that the petitioner was working as Deputy Tahsildar of Civil Supplies, Thungathurthy Circle. In the routine course of discharging his duties as Deputy Tahsildar, he also visited the Police Station on 18.10.2024 and conducted panchanama of accused No.4 and recorded his panchanama in the presence of the witnesses. At the same time, the petitioner also recorded the statement of Guda Venkat Reddy (accused No.3). Accused Nos.3 and 4 had not stated anything against the petitioner in the panchanama and the statement. The petitioner has prepared a report under Section 6A of Essential Commodities Act, 1955 to submit to

the District Collector, Suryapet for initiating necessary action under Section 6A of Essential Commodities Act, 1955. In the meanwhile, he came to know that his name was added as accused No.5 in the remand report dated 24.10.2024. The petitioner was falsely implicated by the prosecution at the instance of his rivals in the department. Accused No.3 did not whisper anything about the petitioner in his statement recorded by him in the presence of the Police Officials, but strangely the prosecution added the petitioner as accused No.5 alleging that accused No.3 confessed that petitioner had created fake and fabricated proceedings by forgery by changing the dates of old proceeding copy for using the same as genuine one, which allegations were not correct. The petitioner received a Certificate of Appreciation by the District Collector during Republic Day Awards, 2024 performed on 26.01.2024 at Suryapet and prayed to grant anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner stating that the role of the petitioner need to be ascertained by the investigating officer.

Accused No.1 in his confession also stated about the involvement of the present petitioner and opposed grant of anticipatory bail to the petitioner.

6. However, considering that the petitioner is a Government Official and he himself was summoned to the Police Station for recording the confession of accused No.4 and for recording the statement of accused No.3 and subsequently his name was incorporated as an accused and his guilt or innocence could be proved only after full fledged trial and he shall be presumed innocent till then and his presence is not required for any custodial interrogation, it is considered fit to grant anticipatory bail to the petitioner.

7. In the result, this Criminal Petition is allowed, directing the petitioner/accused No.5 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.5 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.5 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.5 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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