

THE HON'BLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION NO.15676 OF 2024

This criminal petition is filed by the petitioner/accused seeking anticipatory bail in connection with Cr.No.153 of 2024 of Jetprol (Veepanagandla) Police Station, Wanaparthy District. The offences alleged against the petitioner are under Sections 316 (2), 316 (5) and 318 (4) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 7 of Essential Commodities Act.

2. The case of the prosecution is that the petitioner entered into agreement with the Telangana Civil Supplies Corporation and the Corporation supplied paddy for Rabi season 2022-23, of 382.600 Metric Tons of paddy but no rice was delivered back to Corporation and for Kharif season 2023-24, 2992.920 Metric Tons of paddy was given and 957 Metric Tons was supplied back to Corporation and when the respondent official inspected the mill, only 355.840 Metric Tons of paddy is available and 1461.471 Metric Tons was misappropriated. Hence, a complaint was lodged against the petitioner.

3. Heard Sri K.Rathanga Pani Reddy, learned counsel for the petitioner and learned Additional Public Prosecutor, appearing for the respondent.

4. The contention of learned counsel for the petitioner is that for Rabi Season 2022-23 the State Government has taken policy decision to auction entire paddy in the State which were given to all rice millers including the petitioner and hence, no permission was granted to the petitioner to mill the paddy and symbolic possession was taken by the respondent authorities. Therefore, petitioner cannot be held liable for not delivering the paddy. For the year 2023-24 the case is booked before lapse of time and last date to mill the paddy is 14.12.2024 and it will be further extended as done in other cases, wherein for Rabi 2019-2020 also time was extended till 18.01.2024. He further contended that due to the poor quality of paddy supplied by the Civil Supplies Corporation, there is moisture in the paddy resulting in lower amount of rice being milled. Further, petitioner is ready to cooperate with the investigation and he has no criminal antecedents. As such, prayed this Court to grant anticipatory bail to the petitioner.

5. On the other hand, learned Additional Public Prosecutor opposed bail on the ground that huge amount is due by the petitioner to the Corporation, it is public money and there is no paddy available in the rice mill. Therefore, petitioner is not entitled for anticipatory bail.

6. Having regard to the submissions made and the material placed on record, the contention of petitioner herein is that for the year 2022-23 there is a policy decision of the State Government to auction entire paddy in the State which were given to the rice millers and for 2023-24 before lapse of time they registered the case against the petitioner. Further as seen from the record, the Government extended time for Rabi season 2019-2020 till 18.01.2024 and this is a Kharif season 2023-24. As such, this Court deems it fit to grant anticipatory bail to the petitioner subject to the following conditions:-

- 1) The petitioner/Accused is directed to surrender before the Station House Officer, Jetprol (Veepanagandla) Police Station, Wanaparthy District within two weeks from today, and on such surrender, the said Station House Officer shall release the petitioner/accused on pre-arrest bail on executing a personal bond for a sum of Rs.25,000/- (Rupees

Twenty Five Thousand only) with two sureties for a like sum each to his satisfaction.

- ii. The petitioner shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) weeks, for the purpose of investigation till filing of charge sheet, and thereafter, as and when required.
 - iii. The petitioner/accused shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and shall co-operate with the Investigating Officer in investigating the case.
7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date :30.12.2024
Rds

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DATE : 30.12.2024

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