2025:BHC-AUG:4605

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.65 OF 2025

Krushna Pundlik Sangle
Age 31 Years, Occ : Labour,
R/o. Vanjarwadi, Post Asegaon,
Tq. & Dist: Chhtrapati Sambhajinagar
(Aurangabad). .. **APPLICANT**

VERSUS

The State of Maharashtra
Through Police Station
Karmad, Tq. & Dist. Chhtrapati
Sambhajinagar (Aurangabad). .. **RESPONDENT**

…

Mr.I.K.Wagh, Advocate for the applicant.
Mrs.V.S.Chaudhari & Mr.B.B.Bhise, APPs for the respondent-State
Mr.P.K.Joshi, Advocate for Assist to P.P.

…

WITH
ANTICIPATORY BAIL APPLN.NO.2122 OF 2024

1] Jinna Venkata Ramana Reddy
Age: 35 years, Occ : Pvt. Service,
R/o.B-20, Meadows Hill View Homes,
Mitmita, Tq. & Dist. Ch.Sambhajinagar.

2] Aleti Sharath Reddy,
Age : 29 years, Occ : Pvt. Service,
R/o. 1-65/1, Chegyam, Post-Cheggaon,
Dist. Karimnagar (Telangana). .. **APPLICANTS**

VERSUS

1] The State of Maharashtra

2] The Superintendent of Police (Rural)
Chh. Sambhajinagar,
S.P.Office, Chh. Sambhajinagar. .. **RESPONDENTS**

…

Mr.S.S.Panale, Advocate for the applicants.
Mrs.V.S.Chaudhari & Mr.B.B.Bhise, APP for the respondent-State
Mr.P.K.Joshi, Advocate for the Assist to P.P.

…

<u>WITH</u>
ANTICIPATORY BAIL APPLN.NO. 2194 OF 2024

Ganesh s/o. Anil Devkar,
Age: 33 years, Occu : Service,
R/o. Maliwada, Tq. & Dist.Chhatrapati
Sambhajinagar. .. **APPLICANT**

VERSUS

1] The State of Maharashtra

2] The Superintendent of Police (Rural)
Chh. Sambhajinagar,
S.P.Office, Chh. Sambhajinagar. .. **RESPONDENTS**

…

Mr.R.V.Gore, Advocate for the applicant.
Mrs. V.S.Chaudhari & Mr.B.B.Bhise, APP for the respondent-State
Mr.P.K.Joshi, Advocate for the Assist to P.P.

…

<u>WITH</u>
CRIMINAL APPLICATION NO.4979 OF 2024
IN ANTICIPATORY BAIL APPLICATION NO.2122 OF 2024

Ashok s/o. Dadasaheb Taware,
Age: 52 years, Occu. Service,
R/o. Vidyavihar, Behind Poddar Int.
School Chhatrapati Sambhajinagar. .. **APPLICANT**

VERSUS

1] The State of Maharashtra
Through Officer Incharge Police Station
Karmad Police Station, Tq. Aurangabad
Dist. Aurangabad.

2] The Superintendent of Police (Rural)
Chh. Sambhajinagar,
S.P.Office, Chh. Sambhajinagar.

3] Jinna Venkata Ramana Reddy
Age: 35 years, Occ : Pvt. Service,
R/o.B-20, Meadows Hill View Homes,
Mitmita, Tq. & Dist. Ch.Sambhajinagar.

4] Aleti Sharath Reddy,
Age : 29 years, Occ : Pvt. Service,
R/o. 1-65/1, Chegyam, Post-Cheggaon,
Dist. Karimnagar (Telangana). .. **RESPONDENTS**

…

Mr.P.K.Joshi, Advocate for the applicant.
Mrs. V.S.Chaudhari & Mr.B.B.Bhise, APP for the respondent-State
Mr.S.S.Panale, Advocate for respondent nos.3 and 4.

…

WITH

CRIMINAL APPLICATION NO.30 OF 2025
IN ANTICIPATORY BAIL APPLICATION NO.2194 OF 2024

Ashok s/o. Dadasaheb Taware,
Age: 52 years, Occu. Service,
R/o. Vidyavihar, Behind Poddar Int.
School Chhatrapati Sambhajinagar. .. **APPLICANT**

VERSUS

1] The State of Maharashtra
Through Officer Incharge Police Station
Karmad Police Station, Tq. Aurangabad
Dist. Aurangabad.

2] The Superintendent of Police (Rural)
Chh. Sambhajinagar,
S.P.Office, Chh. Sambhajinagar.

3] Ganesh Anil Devkar,
Age: 35 years, Occu. Pvt. Service,
R/o. B-20, Meadows Hill views Homes,
Mitmita, Tq. & Dist. Chh. Sambhajinagar.
.. **RESPONDENTS**

…

Mr.P.K.Joshi, Advocate for the applicant.
Mrs. V.S.Chaudhari & Mr.B.B.Bhise, APP for the respondent-State
Mr.R.V.Gore, Advocate for respondent no.3.

…

WITH
CRIMINAL APPLICATION NO.225 OF 2025
IN ANTICIPATORY BAIL APPLICATION NO.65 OF 2025

Ashok s/o. Dadasaheb Taware,
Age: 52 years, Occu. Service,
R/o. Vidyavihar, Behind Poddar Int.
School Chhatrapati Sambhajinagar. .. **APPLICANT**

VERSUS

1] The State of Maharashtra
Through Officer Incharge Police Station
Karmad Police Station, Tq. Aurangabad
Dist. Aurangabad.

2] The Superintendent of Police (Rural)
Chh. Sambhajinagar,
S.P.Office, Chh. Sambhajinagar.

3] Krushna Pudlik Sangle,
Age: 31 years, Occu. Labour,
R/o. Wanjarwadi, Post Aasegaon,
Tq. & Dist. Chh. Sambhajinagar. .. **RESPONDENTS**

…

Mr.P.K.Joshi, Advocate for the applicant.
Mrs. V.S.Chaudhari & Mr.B.B.Bhise, APP for the respondent-State
Mr.I.K.Wagh, Advocate for respondent no.3.

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CORAM : ARUN R. PEDNEKER, J.
DATE : 14.02.2025

ORDER :

1] Heard. For the reasons stated in the Criminal Application Nos.4979/2024, 30/2025 and 225/2025 for assisting to the P.P., the same are allowed. Criminal Applications are disposed of accordingly.

2] Heard learned counsel for the applicants, the learned APP for the respondent-State and the learned counsel for the assisting to the P.P.

3] The applicants are apprehending arrest in connection with FIR No. 294/2024, registered with Karmad Police Station, Tq. & Dist. Ch.Sambhajinagar, for the offence punishable under Sections 120-B, 406, 409, 420, 464, 468, 471 r/w. 34 of the IPC.

4] The FIR is filed by the complainant on behalf of the Radico NV Distilleries Limited, which is a Company manufacturing Ethanol as per the requirement of Government of India. The Government of India has introduced a scheme of buyback of ethanol and all oil companies are directed to purchase the ethanol, which is manufactured by private entrepreneurs as per the rate prescribed by government. For the purpose of manufacture of ethanol, food grain is required, as such, the Government of India has given instructions through the Food Corporation of India [FCI] to supply the low-quality rice to all the distilleries.

5] It is stated that the Government of India allotted 50,380 Metric Tones rice for ethanol manufacturing to the companies manufacturing ethanol. Accordingly, the FCI has issued a letter on 07.02.2023 to the complainant to allot 11,655 Metric Tones rice at the rate of Rs.20,210/- per metric tone. As such, the Company deposited Rs.113 crores to the FCI through Bank by RTGS and thereafter 15 distribution orders were issued by the FCI to the complainant company. The FCI directed the Central Warehousing Corporation to supply rice to the complainant Company.

6] The Complainant submits that the complainant has received rice of Rs.82 crores against the orders placed. Thereafter, the FCI stopped supply of rice to the complainant and other ethanol manufacturers on account of scarcity of rice. As such, Rs.30 crores of the complainant were lying with the FCI towards the balance of purchase order. However, the FCI refunded only Rs.20.40 crores to the complainant company and declined to refund the balance Rs.10.15 crores to the company. It is stated that CWC has already supplied the rice of Rs.10 crores to the complainant company, and thus, declined refund for the same.

7] Inquiry was made by the complainant as the Company had not received rice of Rs.10 crores. During the course of enquiry it was noticed that the CWC had out sourced supply of rice to Lakshmi Trading Agency, who has go downs at Maliwada and that the said company in collusion with some Officials of CWC committed fraud of Rs.10 crores by showing bogus supply of rice to the complainant company by preparing forged documents. This amounted to cheating and persons from FTC, CWC Officers and some of the Officers of FCI were found *prima facie* involved in the alleged offence. After persuasion by the complainant, meetings were held between the FCI Officers, Laxmi Trading Company and CWC Officers and they flatly refused to make payment and it was shown that rice amounting to Rs.10 crores has been supplied to the informant. As such, the informant has registered the FIR against the present applicants and other co-accused.

8] It is stated that the complainant Company is controlled, supervised and monitored by Excise Department. As per Section 58 of the Bombay Probation Act, 1949, the Excise Officer has to supervise all the Distilleries in Maharashtra, which are manufacturing extra neutral Alcohol and Ethanol. The Excise Department also maintained parallel record of inventory as well as dispatches. The entry of every raw material with its stuck numbers are to be submitted to the Excise and dispatches also under permission from the Excise Officers. It is stated that the Excise Department has maintained the record with their offices and he has endorsed the inventories. The company has received 41,020 metric tone rice, which is certified by the Excise Officer. As such, the complainant has submitted that the total rice of 50,300 metric tones is not received.

9] In pursuance of the FIR registered, the applicant, namely, Jinna Venkata Ramana Reddy, who is accused no.2, has filed Anticipatory Bail Application No.2122 of 2024. It is submitted by the applicant that there is no privity of contract between the Laxmi Trading Company and the informant. The CWC is only responsible for supply of rice and the informant is seeking refund of balance amount. Rs.20 crores refund is already given to the informant. It is further submitted that only FCI can file the FIR and not the complainant as the goods of FCI are missing. It is also submitted that CWC has filed suit against the Laxmi Trading Company and CWC has appointed their one supervisory staff for dispatch. It is submitted that it is purely a civil dispute.

10] *Per contra,* the learned APP submits that this is not purely a civil dispute but a clear case of siphoning of complainants goods. Although the complainants have initiated the proceedings for recovery, it is to be noticed that forged documents are prepared by the applicant, namely, Jina, who is a mastermind of the scam in collusion with the other accused and that rice is dispatched from the Warehouse of Laxmi Trading Company and it is not known who are the beneficiaries of the rice and where the sale money has gone. It is submitted by the complainant that the FCI has refused to refund the amount on the basis that the goods are supplied by the CWC through Laxmi Trading Company to the informant as such the informant has locus to register the offence. The documents are fabricated in the name of the informant as regards receipt of delivery, as such, the informant can file the complaint. It is submitted that the Laxmi Trading Company has not taken any action against Jina Reddy as the owners of Laxmi Trading

Company is a close relatives of Jina. The learned APP submits that the bank statement of Jina shows that lacs of rupees were transferred by the applicant Aleti Sharath Reddy and Ganesh Deokar in his account. It is also submitted that the supply of rice was stopped by FCI by letter dated 16.04.2022 and the same was communicated to the CWC and Laxmi and Company. Still the rice was shown supplied to the informant. The list of provided goods along with the details of trucks, gross weight was provided by CWC shows that there was supply of rice after 09.08.2023 upto 17.08.2023. The applicants also prepared forged letter of DO 1707, which shows that CWC and Laxmi and Company has provided rice as per gross weight and not as per net weight. The informant Company has communicated the list of trips, which were not received by Radico Company from the go-down of Laxmi and Company. As such, the learned APP submits that it is necessary to find out where the goods are supplied. It is submitted that Jina Reddy and his employees Krishna Sangle, Ganesh Deokar and Aleti Reddy in collusion with each other and in furtherance of common intention without following the procedure as per SOP loaded the goods (Rice) in the trucks and shown them released from their godown thereby manipulated the entries in the software. As such, the learned APP submits that the anticipatory bail may not be granted in favour of the applicants.

11] Having considered the rival submissions of the parties, it reveals from the documents that the FCI has stopped payment of Rs.10 crores to the informant Company, on the basis of documents supplied by CWC and Laxmi Trading Company that the goods of Rs.10 crores are supplied to the informant Company by CWC through Laxmi Trading Company. *Prima facie* it appears that the goods are not received by the informant. However, the bank statement of Jina Venkata Ramanna and the applicants shows that lacs of rupees were deposited in their accounts and the same were withdrawn immediately. Although it is contention of the applicants, namely, Krishna and Ganesh that the amounts were deposited by Jinna Reddy and the same were immediately withdrawn by him. *Prima facie* evidence indicates that Jinna Reddy has siphoned all goods and the money received from the sale of rice and thus the involvement of Jinna Reddy is seen in the alleged crime.

12] As regards involvement of applicant, namely, Ganesh Devkar is concerned, in whose accounts some of the money is deposited, it is seen that the same is immediately withdrawn by Jinna Reddy.

13] As regards the applicant, namely, Krishna is concerned, he is computer operator and there are entries in respect of dispatch, therefore, involvement of the Krishna is seen.

14] Anticipatory Bail Application No.65/2025 in respect of Krushna Pundlik Sangle and Anticipatory Bail Application No.2122 of 2024 in respect of Jinna Venkata Ramana Reddy are dismissed.

15] The Hon'ble Supreme Court in the case of ***Pratibha Manchanda and another Vs. State of Haryana and another*** reported in ***2023 DGLS (SC) 715*** has observed at para nos.18 and 19 as under :

> *18. In Sushila Aggarwal V. State (NCT of Delhi), (2018) 7 SCC 731 the Constitution Bench reaffirmed that when considering applications for anticipatory bail, courts should consider factors such as the nature and gravity of the offences, the role attributed to the applicant, and the specific facts of the case.*
>
> *19. The relief of Anticipatory Bail is aimed at safeguarding individual rights. While it serves as a crucial tool to prevent the misuse of the power of arrest and protects innocent individuals from harassment, it also presents challenges in maintaining a delicate balance between individual rights and the interests of justice.*
>
> *The tight rope we must walk lies in striking a balance between safeguarding individual rights and protecting public interest. While the right to liberty and presumption of innocence are vital, the court must also consider the gravity of the*

> *offence, the impact on society, and the need for a fair and free investigation. The court's discretion in weighing these interests in the facts and circumstances of each individual case becomes crucial to ensure a just outcome.*

16] Considering the law as noted in the above judgment of the Hon'ble Supreme Court [*Pratibha Manchanda*] on the grant of anticipatory bail and considering that Ganesh Anil Devkar and Aleti Sharath Reddy are *prima facie* not directly involved in the siphoning of goods, I deem it appropriate to grant anticipatory bail in favour of the applicants, namely, Aleti Sharath Reddy in Anticipatory Bail Application No.2122 of 2024 and applicant, namely, Ganesh Anil Devkar in Anticipatory Bail Application No.2194 of 2024 and interim order dated 28.01.2025 passed in Anticipatory Bail Application No.2194/2025 stands confirmed, in the following terms :

i] In the event the applicants, namely, Aleti Sharath Reddy in Anticipatory Bail Application No.2122 of 2024 and applicant, namely, Ganesh Anil Devkar in Anticipatory Bail Application No.2194 of 2024 are arrested in connection with FIR No. 294/2024, registered with Karmad Police Station, Tq. & Dist. Ch.Sambhajinagar, for the offence punishable under Sections 120-B, 406, 409, 420, 464, 468, 471 r/w. 34 of the IPC, they shall be released on bail on furnishing PR bond of Rs.20,000/- each, with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicants shall attend the concerned police station as and when required by the Investigating Officer.

iii] The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case.

iv] The applicants shall co-operate with the investigation and also in the proceedings before the trial Court.

17] In the event, the applicants violate any of the conditions specified in this order, it shall be liable to be cancelled.

18] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail applications and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

19] Anticipatory Bail Application No. 65/2025 in respect of Krushna Pundlik Sangle and Anticipatory Bail Application No. 2122 of 2024 in respect of Jinna Venkata Ramana Reddy are dismissed.

20] The applications stand disposed of accordingly.

[ARUN R. PEDNEKER]
JUDGE

DDC