

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.690 of 2025

ORAL ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioners, who are arrayed as accused Nos.1 and 2 in Crime No.291 of 2024 of Kothakota Police Station, Wanaparthy District.

2. The brief facts of the case are that an FIR was registered against the petitioners in Crime No.291/2024 on December 10, 2024, for violating Sections 318(4) and 62 of BNS. The complaint was filed by the CEO of Primary Agriculture Co-operative Society, stating that the petitioners attempted to sell paddy grain bags at the Natavalley village procurement center without permission. They allegedly purchased the paddy in Andhra Pradesh at lower rates and tried to gain a bonus amount from the Telangana State Government. The center in-charge stopped them and reported the incident to the authorities, leading to the

seizure of 523 bags of paddy weighing 99.95 quintals. Aggrieved thereby, this criminal petition is filed.

3. Heard Sri M.Damodar Reddy, learned counsel for petitioners, and Sri Palle Nageshwar Rao, learned Public Prosecutor appearing for respondent – State.

4. Learned counsel for the petitioners submitted that the petitioners, being farmers themselves and holding Dharani passbooks in their names, were falsely accused by PACS, Pamapuram, of bringing paddy from Kurnool District and dumping it at the Government purchased center at Pamapuram village. He contended that the police failed to verify the documents of petitioners and instead foisted a criminal case against them, despite the willingness of petitioners to cooperate with the investigation. He lamented that the alleged offence carries a punishment of less than 7 years, and therefore, the attempt of police to arrest the petitioners without adhering to Section 35 of BNS is unjustified. Therefore, prayed this Court to allow the criminal petition, granting the relief of pre-arrest bail to the petitioners.

5. On the other hand, learned Public Prosecutor vehemently opposed the submissions made by learned counsel for petitioners, stating that the petitioners attempted to cheat the Government and are taking undue advantage of the public policy that was sanctioned for poor farmers for the purpose of granting incentives to them. He contended that as public money is involved in the case, the question of granting anticipatory bail to the petitioners does not arise. Therefore, he prayed the Court to dismiss the criminal petition.

6. Having regard to the rival submissions made and on going through the material placed on record, it is noted that the offences as alleged against them are punishable below seven years. Considering the same, this Court deems it fit to grant pre-arrest bail to the petitioners subject to the following conditions:

- i. The petitioners shall surrender before the Station House Officer, Kothakota Police Station, Wanaparthi 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/- each, with two sureties, for the like sum each.

- ii. The petitioners shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and co-operate with the Investigating Officer in investigating the case.
- iii. The petitioners shall appear before the concerned Investigating Officer on every Monday, Wednesday and Friday between 10:00 a.m, and 01:00 p.m., till the filing of the charge sheet and thereafter, as and when required

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 30.01.2025
PT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.690 of 2025

Date: 30.01.2025

PT