

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.3283 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused, seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.19 of 2025 of Chinnambavi Police Station, Wanaparthi District, registered for the offences punishable under Sections 316(2), 316(5) & 318(4) of Bharatiya Nyaya Sanhita (BNS) and Section 7 of Essential Commodities Act, 1955.

2. Heard Mr. K.Rathanga Pani Reddy, learned counsel for appearing for the petitioner through video conference and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The case of the prosecution is that the Telangana Civil Supplies Corporation (for short 'the Corporation') entered into a Custom Milling Agreement (for short 'the Agreement') with the petitioner's rice mill *viz.*, Sri Om Industries Rice Mill for Kharif 2023-2024 season, who received a quantity of 2996.00 Mts of paddy and delivered about 1073.00 Mts to the Corporation. Alleging that on 12.11.2024, when the *de facto* complainant visited petitioner's rice mill, he found only 157.560 Mts of paddy and there is misappropriation of 1236.947 Mts of paddy, *de facto* complainant lodged a complaint. Basing on the said complaint, the aforesaid Crime was registered against the petitioner/accused for the aforesaid offences.

4. Learned counsel for the petitioner/accused submits that the petitioner has not committed any offence and he was falsely implicated in the aforesaid crime and that the

ingredients of Sections 316(2), 316(5) & 318(4) of BNS and Section 7 of Essential Commodities Act are not at all applicable to the present case. He further submitted that as per the Agreement, petitioner had to supply the custom milling rice to the Corporation on or before 30.03.2025. But, even before expiry of the aforesaid period, the police registered crime based upon the complaint lodged by the *de facto* complainant. He further submitted that as per the terms and conditions of the Agreement, unless the concerned authorities initiate proceedings under Clause 9(1) thereof, the criminal proceedings cannot be initiated.

5. Per contra, learned Additional Public Prosecutor submits that the petitioner misappropriated huge quantity of custom milling rice and the investigation is pending and if the petitioner is granted anticipatory bail at this stage, there is every chance of his influencing the witnesses and

interfering with the investigation. Hence, he prays to dismiss this criminal petition.

6. Having heard learned counsel for the parties and on perusal of the record, it reveals that Clause 9.1 of the Agreement deals with default in CMR delivery as per which apart from initiating proceedings under Clauses 9.1.1 and 9.1.2, the Civil Commissioner of Civil Supplies Department has the power to initiate criminal action. It is the specific contention of learned counsel for the petitioner that the Corporation, without initiating the proceedings under Clause 9.1 of the Agreement, has straight away initiated the criminal proceedings although the ingredients of Sections 316(2), 316(5) & 318(4) of BNS are not attracted.

7. Learned Additional Public Prosecutor has not brought to the notice of this Court whether the

Corporation has initiated any proceedings under Clause 9.1 of the Agreement or not.

8. In view of the same, this Court is inclined to grant anticipatory bail to the petitioner/accused subject to the following conditions:

- (i) Petitioner/accused is directed to surrender before the Station House Officer, Chinnambavi Police Station, on or before 21.03.2025;
- (ii) On such surrender, the Station House Officer of Chinnambavi Police Station, shall release the petitioner/accused on bail on his executing a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties for a likesum each to the satisfaction of the said Officer;
- (iii) On such release, petitioner/accused shall appear before the Station House Officer, Chinnambavi Police Station, on every Monday at 11:00 a.m., for a period of eight weeks for the purpose of investigation and

thereafter, as and when required by the police for investigation.

(iv) Petitioner/accused shall abide by the conditions stipulated under Section 438(2) of the Criminal Procedure Code, 1973/ Section 482 of BNSS and shall cooperate with the investigation officer for conclusion of investigation.

8. Subject to the above directions, the Criminal Petition is allowed. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

Date: 17.03.2025
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J.SREENIVAS RAO, J