

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 3421 of 2025

ORDER:

This Criminal Petition is filed by the petitioner/accused seeking anticipatory bail under Section 482 of the Bharatiya Nagrik Suraksha Sanhita (BNSS) in connection with Crime No.29 of 2025 of Trimulgherry Police Station, Hyderabad, registered for the offence punishable under Section 409 of the Indian Penal Code, 1860 (for short, 'IPC').

2. Heard Mr. E. Rajesh, learned counsel for the petitioner, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent-State.

3. The case of prosecution in brief is that on 06.02.2025, the *de facto* complainant lodged a complaint stating that the petitioner is working as Sericulture Officer/Market Officer and during his tenure from 23.10.2019 to 17.01.2024, he misappropriated the government funds to an amount of Rs.21.77 lakhs and irregular utilization of Rs.49.82 lakhs, as per the records and it shall be recovered and remitted to the government. Hence, the complaint.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offence and he was falsely implicated in the crime. The ingredients of Section 409 of IPC are

not applicable to the facts and circumstances of the case. He further submitted that even according to the allegations made in the complaint, the alleged misappropriation is pertaining from the year 2019 to 2024, whereas, the complaint was lodged on 06.02.2025 with an intention to harass the petitioner. He further submitted that the Department has already initiated the proceedings exercising the powers conferred under the Telangana State Civil Services (Classification, Control & Appeal) Rules, 1991 (for short, 'CCA Rules'), on the very same allegations and placed the petitioner under suspension from the Services and also issued charge memo. When the said proceedings are pending, the *de facto* complainant lodged the complaint with the same allegations and basing on the same, present crime was registered against the petitioner.

5. Learned Additional Public Prosecutor submitted that the petitioner misappropriated huge amount and there are specific allegations against the petitioner. If the petitioner is enlarged on anticipatory bail, there is every chance to influence the witnesses and interfere with the investigation. Hence, the petitioner is not entitled for grant of anticipatory bail.

6. By way of reply, learned counsel for the petitioner submitted that the petitioner will cooperate with the investigation and also

abide by the conditions, which are going to be imposed by this Court.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, *prima facie* it reveals that basing on the complaint lodged by the Assistant Director of Sericulture, GCM, Hyderabad, Crime No.29 of 2025 was lodged against the petitioner for the offence under Section 409 of IPC. The record further reveals that prior to lodging the present crime, the Department has already initiated the proceedings exercising the powers conferred under CCA Rules and suspended and departmental proceedings are pending. Taking into consideration the facts and circumstances case, this Court is inclined to grant anticipatory bail to the petitioner/accused with the following conditions:

- (i) The petitioner is directed to surrender before the S.H.O., Trimulgherry Police Station, Hyderabad District, on or before 19.03.2025 and on such surrender, he shall be enlarged on bail on executing a personal bond for a sum of Rs.50,000/-(Rupees fifty thousand only) with two sureties for a like sum each.
- (ii) On such release, the petitioner shall appear before the S.H.O., Trimulgherry Police Station, Hyderabad District, on every Monday at 11:00 a.m. for a period of eight (8) weeks or till filing of the charge sheet, whichever is earlier.

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(iii) The petitioner shall abide by the conditions stipulated under Section 482 (2) of the BNSS and shall cooperate with the Investigating Officer in the investigation.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J.SREENIVAS RAO, J

Date: 13.03.2025

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