

THE HONONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.3734 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioner/accused No.4 in Crime.No.7 of 2025 on the file of the P.S. Mahabubnagar (Rural), Mahabubnagar, registered for the offences punishable under Sections 316(5) and 318(4) of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of prosecution in brief is that on 04.01.2025, the complainant lodged a complaint stating that accused No.1 is member of their company and he has to supply batteries to their dealers and receive the sales amount and deposit the same in their company account only. But accused No.1 deposited batteries sales amount to his personal account through dealers and he used to deposit some amount in the company account and later he transferred the remaining company amount to his wife, brother and father-in-law and since 2018 to 2024, accused No.1

misappropriated company amount of Rs.2,87,09,696/- and cheated the company by incurring the company amount for his needs and the entire amount was transacted from the Karur Vysya Bank of Sanga Reddy savings account of accused No.1. Basing on the same a case was registered in Crime No.7 of 2025.

3. Heard Sri M.Nagendra Babu, learned counsel for petitioner and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for petitioner submitted that petitioner has not committed alleged offence and he was falsely implicated in the above crime. He further submitted that in FIR, petitioner was not made as an accused and his name was added in the remand report. He further submitted that the petitioner is neither an employee nor he associated with the company in any manner and the ingredients of offence under Section 316(5) of BNSS are not attracted. He further submitted that the entire allegations are leveled against accused Nos.1 and 2 and they were already released on bail. He further submitted that the petitioner is ready to cooperate with the investigation and also ready to abide by the conditions, which are

going to be imposed by this Court and hence, prayed for grant of anticipatory bail.

5. *Per contra*, learned Additional Public Prosecutor submitted that specific allegations are leveled against the petitioner/accused No.4 and investigation is under progress and if the petitioner/accused No.4 is released on bail at this stage, he may tamper with the evidence and may threaten the witnesses, and hence, prayed to dismiss the petition.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that in FIR, petitioner was not made as an accused and his name was added in the remand report and no specific allegations are leveled against the petitioner and accused Nos.1 and 2 in the said crime were already released on bail.

7. Taking into consideration of the above facts, this Court is of the considered view that petitioner/accused No.4 is entitled for grant of anticipatory bail, subject to the following conditions:

1. The petitioner/accused No.4 shall surrender before the Station House Officer of P.S. Mahabubnagar

(Rural), Mahabubnagar, on or before 26.03.2025, and on such surrender, the said Station House Officer shall release the petitioner/accused on bail on his executing a personal bond for Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, for the like sum each.

2. The petitioner/accused No.4 shall appear before the concerned SHO at 11.00 A.M. on every Monday, for a period of eight (8) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter, as and when required.
 3. The petitioner/accused No.4 shall abide by the other conditions stipulated in Section 482 (2) Bharatiya Nagarik Suraksha Sanhitha, 2023 and co-operate with the Investigating Officer in investigating the case.
8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 20.03.2025
vsl