

THE HON'BLE SRI JUSTICE J.SREENIVASRAO

CRIMINAL PETITION No.5059 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioners, seeking interstate/transit anticipatory bail in Crime No.33 of 2025 of Amanaka Police Station, Raipur District, Chhattisgarh, registered for the offence punishable under Sections 420 r/w 34 of Indian Penal Code, 1860 (for short, 'IPC').

2. The case of prosecution in brief is that the petitioner Company was awarded the work contract for performing Civil Works including Earthwork for Railway formation, Blanketing work, Minor Bridges, Major Bridges, ROBS, RUBS, Station building and other service buildings etc., with platform works including general electrical works between Bhingra to Sendurgarh, double line in connection with the construction of new BG Electrified Double Railway Line for Chhattisgarh East West Rail Corridor from Gevra road to Pendra Road in the State of Chhattisgarh over South East Central Railway by IRCON international vide letter of acceptance dated 08.09.2021. Petitioner's

Company issued a purchase order dated 07.05.2024 to the complainant's company for supply of 400 TMT steels bars for construction of the Railway Project IRCON-2B Khatgora, Korba District for the total cost of supply was agreed to be paid Rs.2,57,94,800/- including GST, subject to the condition that the material supplied was of a specific quality which was duly complied with the standards of quality, prescribed by the Government. However, the company has sent a total of 396.40 metric tons of iron rods Rs.2,55,71,266/- to RMN Infrastructures LTD, out of which RMN Infrastructures Limited has sent Rs.60 lakhs to the company's account in HDFC BANK (CC A/C- 57500001374322), Devendra Nagar, Rampur on 10-07-2024. Out of which, now Rs.2,37,41,270/- including interest is yet to be paid to RMN Infrastructures LTD, which is not being paid by the company. Their company has been continuously contacting the Managing Director of RMN Infrastructures LTD, Maheswara Naidu Rayapaneni, Sriharsha Rayapaneni but the company has disconnected the number and the phone is not being answered. The Managing Director of RMN Infrastructures Limited Company, Maheswara Naidu Rayapaneni, Sriharsha Rayapaneni has cheated our company RSK Steel India

Private Company, village Dua Raipur, by paying Rs.60 lakhs for the total material worth 396.40 lakhs, and has not paid our promised amount of Rs.2,37,41,270/- including interest. Basing on the said complaint, Police have registered the present crime for the aforesaid offences.

3. Heard Mr.N.Naveen Kumar, learned counsel for the petitioners and Mr.Syed Yasar Moon, learned Additional Public Prosecutor appearing for respondents.

4.1 Learned counsel for the petitioners submitted that the petitioner No.1 is Managing Director and petitioner Nos.2 to 5 are Directors of RMN Infrastructures Limited. Even before registration of Crime on 17.01.2025, the Office-Incharge of the Police Station, Amanaka, Raipur, Chattisgarh had issued notice on 17.01.2025 against all the petitioners alleging that RMN Infrastructure Limited, Hyderabad is due an amount of Rs.2,37,41,270/- to R.K.S.K.Steel India Private Limited, Tendua Village, Raipur District and they are cheated the said Company and directed them to appear before Amanaka Police Station on 24.01.2025 along with necessary documents. Pursuant to the said notice, the petitioners have submitted a detailed reply on 21.01.2025.

4.2 He further submitted that according to the complaint, the allegations are purely civil in nature, which is arising out of the contract. The allegations levelled against the petitioners are punishable with imprisonment of below seven years. The petitioners are permanent resident of Hyderabad and having business at Secunderabad and Hyderabad.

4.3 He further submitted that entire business is being conducted from Telangana and is in consultation to take immediate remedies and measures in the state of Chhattisgarh including approaching the jurisdictional Courts, as such, the petitioners are approaching this Court seeking transmit anticipatory bail so as to enable the petitioners to approach and take effective measures before the competent jurisdictional Courts in the State of Chhattisgarh or else the petitioners will be put to great hardship.

5. On the other hand, the learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioners and 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, the *de-facto* complainant Company namely R.K.S.K. Steel India Private Company supplied the material of 396.40 metric tons of iron rods worth of Rs.2,55,71,266/- to the petitioners' Company namely RMN Infrastructures Limited. Even according to the learned counsel for the petitioner, the *de-facto* complainant's Company claiming an amount of Rs.2,37,41,270/- including interest. Out of the said amount, though the material supplied by the *de-facto* Complainant's Company is defective, the petitioners' Company paid an amount of Rs.60 lakhs. The dispute between the petitioners and the *de-facto* complainant is in respect of non-payment of due amounts.

7. According to the learned counsel for the petitioners, the police officials belonging to Amanaka Police Station, Chhattisgarh are visiting the petitioners' premises with an intention to arrest them. Therefore, taking into consideration the facts and circumstances, this Court does not want to enter into the details of the case since the petitioners to submit themselves to the process of the Court, this Court is of the considered view that this is a fit

case for granting of interstate/transit anticipatory bail to the petitioners for a period of three (3) weeks from today.

8. Accordingly, the Criminal Petition is allowed granting transit anticipatory bail to the petitioners for a period of three (3) weeks from today i.e. 11.04.2025, subject to the following conditions;

- i) The petitioners shall be released on bail in the event of arrest on each of them executing a personal bond for a sum of Rs.50,000/-(Rupees Fifty thousand only), with two sureties for a like sum each to the satisfaction of the arresting Officer/concerned Investigating Officer.
- ii) The petitioners shall cooperate with the investigation and make themselves available for interrogation whenever required.
- iii) The petitioners shall abide by the conditions stipulated under Section 482(2) of BNSS.

As a sequel thereto, miscellaneous applications, if any, pending in this petition stand closed.

JUSTICE J.SREENIVAS RAO

Date: 11.04.2025
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