

The Hon'ble Sri Justice J.Sreenivas Rao

Criminal Petition No.5147 of 2025

Order:

This Criminal Petition is filed by the petitioner/accused No.1, seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.69 of 2025 of Athmakur Police Station, Warangal District, registered for the offences punishable under Sections 409, 420 of I.P.C. and Section 3 r/w 7 of Essential Commodities Act, 1955.

2. Heard Mr. N.Indrasena Reddy, learned counsel for the petitioner and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The case of the prosecution is that on 08.04.2025, the District Manager, TGSCSCL, Hanumakonda filed a

complaint against the petitioner alleging that the petitioner is running the Rice mill under the name and style of M/s.Sri Rajarajeshwara Binny Rice Mills, Neerukulla Village of Athmakur Mandal and as per the khariff 2021-2022 a quantity of 2769.160 Mts of paddy was received by the petitioner rice mill and an agreement was also entered by the undersigned with the said rice mill to deliver CMR Rice. As per the instructions of the Government, the rice mill has to deliver 1855.337 Mts of rice to the FCI/CC, but the petitioner's rice mill has delivered only 806.200 Mts of CMR Rice and failed to deliver balance 1049.137 Mts of CMR. It is alleged that the Deputy Tahsildar (CS) Parkal has inspected the petitioner's rice mill on 20.01.2025 and submitted a report and stated that, there is no paddy stock available in rice mill, but for KMS 2021-2022 they have to recover Rs.23,327.60 per Mt for equivalent paddy to paddy defaulted and 25% penalty

interest P.A. The value of the paddy defaulted quantity has been prepared and shown as Rs.5,00,43,550/-. Basing on the said complaint, the aforesaid Crime was registered against the petitioner/accused No.1 for the aforesaid offences.

4. Learned counsel for the petitioner/accused No.1 submits that the petitioner has not committed any offence and he was falsely implicated in the aforesaid Crime and ingredients of Section 409 of I.P.C. are not attracted to the petitioner punishment prescribed for other offences under Section 420 of I.P.C. and Section 3 r/w 7 of Essential Commodities Act are punishable with less than seven (7) years of imprisonment. There is no specific allegation against the petitioner to attract Section 409 of I.P.C. He further submitted that the petitioner is ready and willing to supply CMR to the complainant as per the terms and

conditions of the agreement. But, even before expiry of the stipulated period, the police registered the present crime based upon the complaint lodged by the *de facto* complainant. He stated that the petitioner is ready to co-operate with the investigation and shall abide by the conditions imposed by this Court. Further, the petitioner does not have any prior criminal antecedents.

5. Per contra, learned Additional Public Prosecutor submitted that the petitioner has misappropriated huge quantity of CMR Rice and he has to pay an amount of Rs.5,00,43,550.00/- towards interest, penalty and value of CMR Rice to the miller and as on today, the Civil Supplies Department has not initiated proceedings as per the terms and conditions of the agreement. He further stated that the petitioner has committed grave offence and that 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 the learned counsel for both the parties and on perusal of the record, it reveals that the *de facto* complainant lodged a complaint on 08.04.2025 stating that the petitioner has failed to deliver rice within the prescribed time and the Deputy Tahsildar found that the petitioner has misappropriated Government stocks, violated the agreement and due an amount of Rs.5,00,43,550.00/-. According to the petitioner, there are no specific allegations against him. According to the learned Assistant Public Prosecutor, the petitioner is not having any criminal antecedents and so far, eight (8) witnesses are examined. Taking into consideration, the facts and circumstances of the case, this Court is inclined

to grant anticipatory bail to the petitioner/accused No.1
subject to the following conditions:

- (i) Petitioner/accused No.1 is directed to surrender before the Station House Officer, Athmakur Police Station, Warangal District on or before 28.04.2025;
- (ii) On such surrender, the Station House Officer of Athmakur Police Station, shall release the petitioner/accused No.1 on bail on his executing a personal bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties for a likesum each to the satisfaction of the said Officer;
- (iii) On such release, petitioner/accused No.1 shall appear before the Station House Officer, Athmakur 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 No.1 shall abide by the conditions stipulated under Section 438(2) of the Criminal Procedure Code,

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1973/Section 482 of BNSS and shall cooperate with the investigation officer for conclusion of investigation.

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

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

Date: 22.04.2025
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J.SREENIVAS RAO, J

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