

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.5341 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') by the petitioner/accused No.5, seeking anticipatory bail in Crime No. 31 of 2025 of Pegadapalli Police Station, Jagitial District registered for the offences punishable under Sections 316(2), 318(4), 111(2) r/w 3(5) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. Heard Sri Nadipally Ananda Rao, learned counsel for the petitioner and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent-State.

3. The case of prosecution in brief is that on 10.02.2025, the *de facto* complainant filed a complaint stating that he was cheated by the petitioner and accused Nos.1 and 2, who falsely promised to provide a John Deere tractor under the PM Kisan Yojana Scheme with a 40% subsidy through NPAS Company. He paid Rs.5,90,000/- to accused Nos.1 and 2 believing that the said scheme

was genuine and submitted his documents. Later, L&T Finance representatives approached him for EMIs, revealing that only Rs.1,57,000/- was paid as a down payment and that no such government scheme existed. Accused Nos.1 and 2 and the petitioner misappropriated Rs.4,33,700/- for personal use. He also stated that another villager was similarly cheated for Rs.9,20,000/-, of which only Rs.1,75,000/- was used as down payment and the rest of the amount has been misused. Basing on the said complaint, the present crime was registered for the aforesaid offences.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and he was falsely implicated in the present crime. He further submitted that there are no allegations against the petitioner to attract the ingredients of 316(2), 318(4), 111(2) r/w 3(5) of BNS. The petitioner is working as Manager of John Deere Tractor Showroom, Gangadhara and he is not having any criminal antecedents. He further submitted that entire allegations are levelled against accused Nos.1 to 3 only, and accused No.3 had approached this Court and filed Criminal Petition No.5283

of 2025 seeking regular bail and the same was allowed on 22.04.2025. The petitioner is ready and willing to cooperate with the investigation if any and also he will abide by the conditions, which are going to be imposed by this Court. Hence, prayed to grant anticipatory bail to the petitioner.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner has committed a grave offence and the investigation is under progress and therefore, if the petitioner is granted anticipatory bail, he will interfere with the investigation and tried to influence the witnesses and therefore, he is not entitled for grant of anticipatory bail.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioner is working as Manager of John Deere Tractor Showroom, Gangadhara and there are no specific allegations against him to attract the ingredients of Section 111(2) of BNS and the other allegations levelled against him are punishable with imprisonment below seven years. It is not in dispute

that accused No.3 filed Criminal Petition No.5283 of 2025 seeking regular bail and the same was granted on 22.04.2025. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner/accused No.5, subject to the following conditions:

- i) The petitioner/accused No.5 is directed to surrender before the S.H.O., Pegadapalli Police Station, on or before 30.04.2025 and on such surrender, the Station House Officer is directed to release the petitioner on bail on his executing a personal bond for a sum of Rs.30,000/- (Rupees Thirty thousand only), with two sureties for a like sum each to his satisfaction.
- ii) After release, the petitioner/accused No.5 shall appear before the concerned S.H.O. at 11-00 a.m. on every Monday for a period of eight weeks or till filing of charge sheet, whichever is earlier, for the purpose of investigation and thereafter, as and when required.
- iii) After release, the petitioner/accused No.5 shall not interfere with the investigation or influence the witnesses during the course of investigation.
- iv) After release, if the petitioner/accused No.5 involves in similar type of offences, respondent/State is entitled to file an application seeking for cancellation of this anticipatory bail.
- v) The petitioner/accused No.5 shall abide by the conditions stipulated under Section 482 (2) of BNSS.

7. Accordingly, the Criminal Petition is allowed.

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

JUSTICE J.SREENIVAS RAO

Date: 23.04.2025
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