

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.6759 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 in Crime No.397 of 2025 on the file of Keesara Police Station, Rachakonda, registered for the offences punishable under Sections 316(2), 316(5), 318(4) of Bharatiya Nyaya Sanhita, 2023 (BNS).

2. The case of the prosecution is that on 08.05.2025 at 10:30 Hours, received a complaint from defacto complainant stating the Government has issued Policy guidelines for procurement of Paddy and Delivery of Custom Milling rice in Kharif and Rabi 2023-24. As per the Guidelines the rice millers should deliver rice within the stipulated time, during the Rabi season 2023-24, paddy has been allotted to petitioner. She further stated that District Civil Supplier officer along with his team had conducted an inspection on the said Mill and found a variation of 999.358 Mts of Paddy and the cost of misappropriated paddy is Rs.2,20,15,856/- along with 25% penalty. She had further stated that the miller had violated the

provisions of agreement entered with the District Manager, for the Rabi season 2023-24 and as per the Clause 31 of Custom Milling agreement, the miller should not dispose without the knowledge of Collector, Medchal-Malkajgiri and requested to take necessary action. Basing on the same, Crime No.397 of 2025 was registered.

3. Heard Sri P.Rama Sharana Sharma, 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. Even according to the allegations made in the complaint the ingredients under 316(2), 316(5), 318(4) of the BNS are not attracted against the petitioner. However, the offences leveled against the petitioner are punishable with imprisonment below seven (7) years. He further submitted that the petitioner sub-leased the rice mill in favour of Ramuni Srinivasulu and Garlapati Yadaiah and the said persons have committed offence and not delivered CMR rice to the de-facto complainant. He further submits that the petitioner informed about the granting of lease hold rights in favour of lessee on

10.01.2025 to the Telangana State Civil Supplies Corporation Limited and the de-facto complainant is well aware of the sub-lease. The petitioner filed Civil Suit in O.S.No.69 of 2025 on the file of Principal District and Sessions Judge, Medchal-Malkajgiri, at Kushaiguda for recovery of amount of Rs.2,26,58,700/-. In the said suit, the petitioner also filed application I.A.No.322 of 2025 for Warrant of Attachment before Judgment and the concerned Court passed order directing the respondent Nos.1 to 3 therein to furnish security in the said suit. The de-facto complainant was also made as party defendant. When the said case is pending, the de-facto complainant lodged the present complaint on 08.05.2025. He further submitted that the petitioner is ready and willing 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 the de-facto complainant is not a party to the sub-lease executed in favour of the lessee. The contract is between the de-facto complainant and the petitioner. The petitioner with an intention to avoid payment due to the de-facto complainant not delivered CMR rice nor paid the due

amounts as demanded by the de-facto complainant and the investigation is under progress and if the petitioner is granted anticipatory bail at this stage, he will interfere with the investigation and also influence 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 the petitioner's rice mill is due an amount of Rs.2,75,19,820/- to de-facto complainant on the ground that the petitioner has not delivered CMR Rice to the de-facto complainant. Basing on the same, the de-facto complainant lodged a complaint and the present crime was registered. The record further reveals that the petitioner sub-leased the premises of rice mill in favour of Ramuni Srinivasulu and Garlapati Yadaiah. The petitioner filed suit in O.S.No.69 of 2025 against Ramuni Srinivasulu and legal heirs of Garlapati Yadaiah for recovery of amount of Rs.2,26,58,700/-. In the said suit, the de-facto complainant is made as party respondent No.4 and the learned Principal District and Sessions Judge Medchal- Malkajgiri, at Kushaiguda vide its order dated 20.03.2025 in I.A.No.322 of 2025 directed the respondent Nos.1 to 3 therein to furnish the Security to the extent of

Rs.2,26,58,700/- on or before 08.04.2025. During the course of hearing, learned counsel for the petitioner submitted that defendants in the said suit have not furnished any security as directed by the Court below and the above said order is made absolute. The Court below granted attachment in respect of property of respondent Nos.1 to 3 and the said order is subsisting.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner/accused subject to the following conditions:

1. The petitioner/accused shall surrender before the Station House Officer of Keesara Police Station, Rachakonda, on or before 21.06.2025, 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 shall appear before the concerned SHO at 11.00 A.M. on every Saturday, 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 shall not interfere with the investigation or influence the witness during the course of investigation.

4. The petitioner/accused shall abide by the other conditions stipulated in Section 482 (2) of BNSS.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 13.06.2025
PSW