

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.15209 of 2024

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner, who is arrayed as accused in Crime No.132 of 2024 of Ghanpur Police Station, Wanaparthy District.

2. The brief facts of the case are that on 01.12.2024, the District Manager of TGSCSCL, Wanaparthy, filed a petition stating that M/s Sri Balaji Rice Mill had entered into a custom milling agreement with Civil Supplies, Wanaparthy, for Kharif and Rabi seasons in 2022-23 and 2023-24. The mill received paddy quantities, but deliveries of CMR/SPR were incomplete, leaving significant balances. An inspection on 28.11.2024, revealed 1234.400 MTs of paddy available, but physical verification showed that 4160.430 MTs of paddy, valued at ₹13,32,04,788, had been misappropriated, violating the custom milling terms and conditions of the agreement.

3. Heard Sri K. Rathanga Pani Reddy, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent – State.

4. Learned counsel for the petitioner submitted that the paddy allotted for four seasons was extended by the Civil Supplies Department until 18.01.2025, making the current crime booking premature and that the policy decision of the State Government to auction paddy for the Rabi Season 2022-23 meant no permission was granted to mill the paddy, and symbolic possession was taken by respondent authorities, absolving the petitioner of liability. He further submitted that Poor paddy quality supplied by the Telangana Civil Supplies Corporation resulted in lower rice yields, and the State Government appointed a committee to address this issue. The agreement conditions do not permit authorities to inspect and seize paddy until due dates expire and government orders are exhausted. The petitioner has no criminal record, is willing to cooperate with the investigation, and is ready to provide suitable sureties for anticipatory bail.

5. On the other hand, learned Additional Public Prosecutor submittd that the petitioner is the proprietor of M/s. Sri Balaji Rice Mill cheated the state civil supply corporation and committed criminal breach of trust by dishonestly moving out 4160.430 Mts paddy bags total worth of Rs.13,32,04,788/- from rice mill which owned by State Civil Supply Corporation and supplied for milling purpose. Therefore, at this stage, granting of bail to the petitioner does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. In the light of the submissions made by both the learned counsel and a perusal of the material available on record, it appears that the Consumer Affairs, Food and Civil Supplies (CSI) Department, Government of Telangana, extended the time for receipt of CMR dues from default rice mills by 60 days, vide order dated 18.11.2024 for Kharif 2022-2023. Further, the investigation is only with regard to the stocks, as such, custodial interrogation is not necessary. In light of this, the Court deems it fit to grant pre-arrest bail to the petitioner subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer, Ghanpur Police Station, Wanaparthy District,

within two weeks from today, and on such surrender, the said Station House Officer shall release him on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.

- ii. The petitioner shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and co-operate with the Investigating Officer in investigating the case.
- iii. The petitioner shall appear before the concerned Investigating Officer on every Monday between 09:00 a.m, and 05:00 p.m., till the filing of the charge sheet and thereafter, as and when required

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 03.01.2025
SAI

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SAI