

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4313 of 2017

ORDER:

1 This criminal petition is filed, by the petitioner/accused No.3, under Section 438 Cr.P.C., seeking anticipatory bail in Crime No.257 of 2016 on the file of the Station House Officer, Amangal Police Station, Mahaboobnagar district registered for the offences punishable under Sections 409 and 420 of IPC and Section 7 of Essential Commodities Act.

2 The learned counsel for the petitioners strenuously submitted that whether the petitioner has violated the provisions of the E.C. Act or not has to be determined by the Civil Supplies authorities but not the police. He further submitted that when the matter is pending before the competent authority, the police has no right whatsoever to register a criminal case against the petitioner. He further submitted that the police registered the criminal case against the petitioner without any authority and hence it is a fit case to grant anticipatory bail to the petitioner. **Per contra**, learned Additional Public Prosecutor representing the State submitted that the petitioner misappropriated 520.671 M.T of paddy supplied to him, therefore, this is not a fit case to grant anticipatory bail to the petitioner.

3 A perusal of the record reveals that the petitioner is accused No.3 in Cr.No.257 of 2016 on the file of Amangal Police Station. The petitioner along with other accused filed CrI.P.No.529 of 2017 under Section 438 of Cr.P.C on the file of Principal District & Sessions Judge, Mahaboobnagar. The learned Principal District &

Sessions Judge, by order dated 31.05.2017 granted anticipatory bail to accused Nos.1 and 2 and dismissed the petition so far as the petitioner who is accused No.3 is concerned.

4 It is not in dispute that the petitioner has been running a rice mill in the name and style of M/s. Sri Vara Lakshmi Para Boiled Rice Mill, Kadthal village, Amangal Mandal, Mahabubnagar district. It is also not in dispute that during 2015-16 Rabi season, the Civil Supplies Authorities delivered 934.976 M.T of paddy to the petitioner's mill for the purpose of custom milling to FCI on behalf of Civil Supplies Corporation. The petitioner herein delivered raw rice of 135 MT of rice leaving balance of 498.769 M.Ts of CMR rice, which is equivalent to 733.483 MT of paddy. The accusation made against the petitioner is that he intentionally failed to deliver 498.769 M.Ts of rice to the Government, thereby, cheated the Civil Supplies Corporation.

5 A perusal of the record reveals that proceedings under Section 6 (A) of Essential Commodities Act have been initiated against the petitioner. This is not the stage to express any opinion with regard to the reasons for non-delivery of CMR rice to the Civil Supplies Corporation by the petitioner. A perusal of the record *prima facie* reveals that for one reason or the other, the petitioner has not delivered the CMR rice to the Civil Supplies Corporation as per the terms and conditions. As observed earlier, paddy was supplied to the petitioner way back, during Rabi season of, 2015-16. So far the petitioner has not delivered the rice. The material placed before this Court *prima facie* reveals the role played by the petitioner in commission of the alleged offence.

6 If the Court liberally grants anticipatory bail in this type of cases, certainly, it gives a wrong signal to the society. Taking into consideration the impact of nature of the offence alleged to have been committed by the petitioner, this Court is of the considered view that this is not a fit case to grant anticipatory bail to the petitioner.

7 In the result, the petition is dismissed.

T.SUNIL CHOWDARY, J

Date: July 31, 2017

Kvsn

