

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.6167 of 2020

ORDER:

This petition is filed under Section 438 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking pre-arrest bail to the petitioner/A-21 in the event of his arrest in connection with Crime No.360 of 2020 of Pedakakani Police Station, Guntur District, wherein the petitioner along with others is alleged to have committed the offences punishable under Section 420, 406, 465, 471, 477-A r/w 34 of Indian Penal Code, 1860 (for short "IPC").

2. A complaint was lodged on 06.07.2020 on behalf of ASK Agro Agencies stating that A-1 by name Nagularam Lakshmi Narayana Murthy has been working as incharge and Manager of the complainant company and he gained confidence and trust in handling all the works of the company since 20 years and the company had entrusted several works to A-1. During the audit, it came to light that there is huge deficit of company stocks in the warehouse worth Rs.22,58,90,308.69p and also found that A-1, his wife, brother and their associates conspired together and committed theft, misappropriate and shifted the company stocks from the premises as well directed the stocks from the company / company customers / distributors and stocked them illegally and unauthorizedly and sold the company stocks to various customers. It is stated that the shop is registered in the name of A-1 family and their associates, who were involved in the conspiracy. It is learned that the chain of shops named under the Hemadri Pesticides and Fertilizers located at different locations and some other firms were registered in the name of A-1 and his family.

3. Heard Sri Mangena Sree Ramarao, learned counsel for the petitioner and learned Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner would submit that in the entire complaint the name of the petitioner does not find place. He submits that the petitioner is resident of Tadepalligudem, whereas in the complaint his name is mentioned as S.Srinivas, though his name is Yadla Venkateswara Rao @ Srinivas.

5. In view of allegations mentioned in the complaint in respect of misappropriation of stocks involving crores of rupees and since the investigation is at the threshold, this Court is not inclined to grant pre-arrest bail to the petitioner. However, since the punishment prescribed for the offences in the crime is upto seven years, this Court deems it appropriate to direct the police to follow the procedure contemplated under Section 41-A of Cr.P.C and the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar v. State of Bihar**¹.

6. Accordingly, the criminal petition is disposed of.

As a sequel, all the pending miscellaneous applications shall stand closed.

LALITHA KANNEGANTI, J

6th January, 2021

PVD

¹ (2014) 8 SCC 273

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