

MHCC020078482025

**IN THE COURT OF SPECIAL JUDGE FOR CBI AT GREATER BOMBAY****BAIL APPLICATION No. 479 OF 2025****IN****REMAND APPLICATION No. 652/2025**

Shrinivasa Rao Mylapalli

Age : 44 years,

R/o.: 16-19-3A, PN Colony,

8th lane, Fazulbegpeta,

Gujaratipetha, Srikakulam,

Andhra Pradesh – 532 005.

... Applicant/

Org. accused No.1

- Versus -

Central Bureau of Investigation

AC-II, New Delhi Vide

RC 2172025A0013/

CBI-AC-II/

New Delhi/2025)

... Respondent

Appearance:

Mr. Sandeep Karnik i/b. Mr. K. M. Patel, Ld. Advs. for applicant/org.
accused No.1.

Mr. Sandeep Singh h/f. Mr. Sandeep Kumar, Ld. Spl.PPs. for respondent.

**CORAM : AMIT V. KHARKAR
SPECIAL JUDGE (CBI)
COURT ROOM NO.48**

DATED : 23/06/2025.**ORDER**

. This is an application for bail by the applicant/accused Srinivasa Rao Mylapalli, who has been arrested by the Central Bureau of Investigation (C. B. I.) in RC No.2172025A0013/AC-II/New Delhi/2025 for offences punishable under Section 61 (2) of The Bharatiya Nyaya Sanhita (BNS) read with Sections 7, 8, 9, 10 and 12 of The Prevention of Corruption Act (the P. C. Act).

2] Heard learned counsel for the applicant and learned Spl.PP for the State at length. Perused the case diary produced by the Investigating Officer.

3] The basis First Information Report which is the source information, which is registered by the C.B.I. on the basis of information received from the source that the officers of the Food Corporation of India (F. C. I.) are involved in rampant corruption and they are extending undue favours to private contractors in lieu of illegal gratification. The applicant is the Assistant General Manager with the F.C.I., New Delhi, Mumbai. The other accused a public servant is one Naveen Kumar also a General Manager with Mumbai Regional Office of the F. C. I. These two are the public servants. The other accused are private persons named Jinna Reddy and Snehith Reddy, who are the owners of the firm M/s. Laxmi & Co. Accused No. 5 Uma Maheshwar is the employee of accused No.3.

4] The gist of the allegations are that the accused Nos. 3 and 4 are the partners of M/s. Laxmi & Co., Aurangabad and they owned a storage unit under the Private Entrepreneurs Guarantee. They have participated in ongoing tender floated by the F. C. I. One Assistant General Manager Navin Kumar and the other General Manager Girish Kumar have alleged to have colluded with accused Nos. 3 and 4 to receive contract in lieu of undue advantage. On 18/2/2025 and 6/3/2025 there were talks between the accused, and assistance of Navin Kumar was solicited to help in tender process. Accused No.2 Navin Kumar agreed to secure favourable outcome in the tender and offered to pay bribes to officers of the F. C. I., including Girish Kumar. Interception of calls disclosed that on 9/5/2025 accused Nos. 3 and 4

would be coming to Mumbai. They would be carrying cash of Rs.5,00,000/-, which was to be delivered to the accused No. 1 Srinivas Mylapalli, the applicant. Further, they have asked their employee accused No. 5, Umamaheshwar, to come to Mumbai with cash of Rs.20,00,000/-. The C. B. I. also came to know that the bribe amount would be handed over to accused No.1 at Sky scraper building at Mumbai. Accordingly, a trap was laid and accused No. 1 was caught red handed while accepting bribe amount of Rs. 20,00,000/- from accused No.5 Umamaheshwar. Accused Nos. 3 and 4 were taken into custody at Mumbai Airport and they were also brought to Sky Scrapper Building.

5] The learned counsel for the applicant has submitted that the accused Nos. 1, 3, 4 and 5 were produced before the Court on 10/5/2025 and were remanded to the C. B. I. custody. On conclusion of the C. B. I. custody the accused were remanded to judicial custody. After accused moved application for bail and the application for bail came up for hearing, the C. B. I. moved an application u/S. 187 (2) of the BNSS, seeking police custody of the accused. It was argued that the accused were arrested on Friday as Office of the F. C. I. was closed on Saturdays and Sundays relevant documents could not be obtained to confront to the accused in C. B. I. custody. It was also argued that judicial custody of the accused was sought by the C. B. I. by reserving the right to seek police custody and when documents were received from the F. C. I. After documents were received from the F. C. I. and were scrutinized by the officers of the C.B.I., they moved application seeking police custody. Accused were remanded to police custody for two days for confronting them with the documents. Therefore, accused were again taken into judicial custody and application for bail was taken up for hearing.

6] Contention of the applicant is that the investigation is over. Sufficient custodial remand was granted to him. The prosecution has sufficient time to investigate him in custody and collect relevant material. It was not for once but on two occasions the applicant was remanded to police custody and as such, no ground is made out to detain in judicial custody. It was also pointed out that in Remand Applications there is no whisper about recovery of cash of Rs. 20,00,000/-. At this juncture, the learned Spl. P. P. for the C. B. I. has pointed out the post trap panchanama, which indicates that the amount of Rs. 20,00,000/- had exchanged from accused No. 5 Umamaheshwar to accused No. 1 Srinivas Mylapalli and hence the allegations that no amount was seized is without merit.

7] Taking the arguments further, learned counsel for the applicant has submitted that in a trap case once amount is recovered and voice samples are taken nothing survives to be investigated. Moreover, there is no allegation of applicant demanding any amount. There is no complaint of any person that the applicant had demanded bribe and that bribe amount was paid by private person. Learned counsel for the applicant relied on **Babu Singh V/S State of Uttar Pradesh [1978 LawSuit(SC) 32]** in which the Hon'ble Apex Court was pleased to observe that the delicate light of the law favours release of the accused unless countered by the negative criteria and that the bail is rule and the jail is an exception well holds the field. Reliance was also placed on **Gurubaksh Singh Sibbia V/s State of Punjab [1980 LawSuit (SC)177]** in which the Hon'ble Apex Court was pleased to observe that since denial of bail amounts to deprivation of personal liberty. The Court should determine that grant of bail is rule and refusal is exception. Bail should be granted unless there is strong means for

supposing that the accused would not appear at the time of trial. Further reliance was placed on **Soundarajan V/s State Rep By The Inspector of police Vigilance Anticorruption Dindigul [2023 LawSuit (387)]** in which the Hon'ble Apex Court was pleased to observe that it is well settled that for establishing the commission of an offence punishable under Section 7 of the PC Act, proof of demand of gratification and acceptance of the gratification is a sine quo non. Relying on the ruling of the Hon'ble Apex Court in **Neeraj Dutta V/s State (Govt of NCT of Delhi) [2023 LawSuit (SC) 252]** it was submitted that there has to be an allegation of demand and acceptance of gratification by a public servant. Further reliance on the decision in **Jagtar Singh Vs. State of Punjab [LawSuit (SC) 287]** and submitted that to bring home offence under Section 7 of the P. C. Act it has to be proved demand of illegal gratification.

8] In the light of above rulings, learned counsel for the applicant submit that there was no complaint that the applicant has demanded illegal gratification and hence offence under Section 7 of the P. C. Act cannot be attracted against accused Nos. 1 and 2. So also there is no allegation that accused Nos. 3 and 4 have offered bribe amount to public servant and hence offence under Section 7 of the P. C. Act cannot be sustained.

9] *Per contra*, learned Spl. P. P. for the C. B. I. has strongly resisted bail application. It is submitted that there is deep rooted conspiracy involving officers of the F. C. I. and private individuals. There is rampant corruption in awarding tenders in the F. C. I. He has relied on **Mr. Virendra Khanna s/o. Sri Ram Khanna Versus State of Karnataka [2021 SCC Online Kar 5032]** and resisted the application.

10] I have gone through the documents and the cases cited before me. In the case at hand, there was a trap based on source information. Both bribe giver as well as bribe taker were apprehended. Bribe amount of Rs. 20,00,000/- was recovered from accused No. 1. He was caught while accepting bribe amount from accused No.5, delivering amount on behalf of accused Nos. 3 and 4 his employers. The basis of prosecution is the intercepted telephonic conversation between the accused. The said conversation is in custody of police. So far as the applicant, accused No. 1 is concerned, he is a public servant, while the others are private persons. Their voice samples have been obtained. From the second application for police custody, it is evident that the documents are in the office of accused No. 1 and are in the custody of the C. B. I. In such case, the investigation is good as over. Sanction to prosecute accused No. 1 is awaited. No serious apprehension of applicant posing flight risk. In such circumstances, it would not be appropriate to detain the accused behind the bars during pendency of trial. Hence following order is passed :-

ORDER

- 1] Bail Application No.479/2025 in Remand Application No.652/2025 is hereby allowed.
- 2] Applicant/accused Srinivasa Rao Mylapalli be released on bail on his executing solvent surety and Personal Bond in the amount of Rs. 2,00,000/- (Rupees Two Lakhs Only).
- 3] Applicant/accused to attend the Office of the C. B. I. on every Thursday and Friday between 11:00 a.m. to 04:00 p.m. or on any other day, if required by the Investigating Officer till filing of charge-sheet and shall cooperate with the Investigating Officer.

- 4] Applicant/accused shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer or tamper with the evidence.
- 5] Applicant/accused shall not commit similar offence while on bail.
- 6] Applicant/accused shall not enter Mumbai city till filing of the charge-sheet.
- 7] Applicant/accused is directed not to leave India without obtaining prior permission from this Court.
- 8] Applicant/accused is directed to submit his permanent residential proof along with Aadhar card and permanent residential address of two relatives preferably residing in Mumbai, along-with their mobile numbers.
- 9] Applicant/accused to surrender passport with the C. B. I. prior to release.
- 10] Applicant/accused shall attend each and every date of trial in the Court.

Date : 23/06/2025.



(Amit V. Kharkar)
Special Judge (CBI),
Court Room No. 48,
Gr. Mumbai.

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED ORDER.”		
02/07/2025	05:45 p.m.	V. V. Kulkarni
UPLOAD DATE	TIME	NAME OF STENOGRAPHER

Name of the Judge (With Court Room No.)	H. H. Judge Shri. A. V. Kharkar, Court Room No. 48.
Date of Pronouncement of ORDER	23/06/2025
ORDER Typed on	02/07/2025
ORDER signed by P. O. on	02/07/2025
ORDER uploaded on	02/07/2025