

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

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**CRIMINAL PETITION NO: 12357/2025**

Between:-

Kanduru Chinnappa

**...PETITIONER/ACCUS**

**AND**

The State of Andhra Pradesh and  
others

**...RESPONDENT/COMPLAINANT(S)**

\*\*\*\*

DATE OF ORDER PRONOUNCED : 15.12.2025

**SUBMITTED FOR APPROVAL:**

**THE HON'BLE SRI DR JUSTICE Y. LAKSHMANA RAO**

1. Whether Reporters of Local Newspapers  
may be allowed to see the Judgment? Yes/No
2. Whether the copy of Judgment may be  
marked to Law Reporters/Journals? Yes/No
3. Whether His Lordship wish to see the  
fair copy of the Judgment? Yes/No

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**DR JUSTICE Y. LAKSHMANA RAO**

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! **Counsel for the Petitioner** : Sri C. Nageswara Rao

^ **Counsel for the Respondent** : Sri P.S.P. Suresh Kumar, Special Public  
Prosecutor for CBI

< **Gist:**

> **Head Note:**

? **Cases referred:**

- 1) 2025 SCC OnLine SC 781
- 2) (1978) 1 SCC 240
- 3) (2001) 4 SCC 280
- 4) (2002) 3 SCC 598
- 5) (2010) 14 SCC 496
- 6) (2022) 4 SCC 497
- 7) (2022) 3 SCC 501
- 8) (2012) 9 SCC 446
- 9) 2023 18 SCC 753
- 10) (2013) 7 SCC 439
- 11) (2012) 8 SCC 106
- 12) (2020) 13 SCC 337
- 13) 2025 SCC OnLine SC 1157
- 14) 2025 SCC OnLine SC 1690
- 15) 2025 INSC 979

**THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO****CRIMINAL PETITION NO: 12357/2025****ORDER:**

Criminal Petition has been filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023<sup>1</sup>, seeking to enlarge the Petitioner/Accused No.24 on bail in Crime No.470 of 2024 of Tirupathi East Police Station, Tirupathi District, for the alleged offences punishable under Sections 274, 275, 316(5), 318(3), 318(4), 61(2) and 299 read with 49 and 3(5) of the Bharatiya Nyaya Sanhita, 2023<sup>2</sup>, Sections 51 and 59 of the Food Safety and Standards Act, 2006<sup>3</sup>.

2. The facts in brief, as presented by the prosecution, state that M/s AR Dairy Food Private Limited, Dindigul, Tamil Nadu, in conspiracy with other accused, had supplied deliberately adulterated and substandard cow ghee to Tirumala Tirupati Devasthanams (TTD), thereby violated the conditions of the tender agreement entered with TTD causing wrongful loss and affected the religious sentiments of Hindu devotees of Lord Sri Venkateswara Swamy, Tirumala. A formal complaint was lodged at East Police Station, Tirupati, on 25.09.2024 at 1:45 PM by the de-facto complainant, P. Murali Krishna, General Manager (Procurement), TTD, Tirupati. As per the complaint, TTD called for tenders on 12.03.2024 for the supply of 10 lakh kilograms of Agmark Special Grade Cow Ghee. The tender was finalized on 08.05.2024, and a

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<sup>1</sup> the BNSS

<sup>2</sup> the BNS

<sup>3</sup> the FSS Act

supply order was issued on 15.05.2024 to M/s AR Dairy Food Private Limited, Dindigul. The firm subsequently supplied four tanker loads of ghee on 12.06.2024, 20.06.2024, 25.06.2024, and 04.07.2024, respectively. Samples from the supplied ghee were confidentially sent to NDDB CALF Lab, Anand, Gujarat, for testing. The laboratory report dated 12.07.2024 confirmed that the ghee was substandard and adulterated, containing both vegetable and animal fat-based adulterants, including LARD. Based on this lab report, the de-facto complainant, lodged a complaint requesting legal action against M/s AR Dairy Food Private Limited, Dindigul, for breaching tender agreement clauses and committing cheating for wrongful gain.

3. Heard learned counsel for the Petitioner and the learned Special Public Prosecutor.

4. Sri C. Nageswara Rao, the learned Senior Counsel representing Sri V. Uday Kumar, the learned counsel for the Petitioner, submits that the Petitioner is innocent. He has not committed any offence. He was falsely implicated in this case. He is a law-abiding citizen. He is the sole bread winner of his family. He has got fixed abode. He would not evade from process of law, if he enlarged on bail. He is ready to abide any conditions to be imposed by this Court for enlarging on bail. It is further submitted that on more than three occasions the petitioner was summoned by the investigating officer. Every such time the petitioner cooperated with the investigating officer. After his arrest, the petitioner was also taken to police custody for about five days. Therefore, nothing remains in this case for further investigation with respect to

the alleged role played by the petitioner. The petitioner at relevant point of time was neither an employee of former chairman of TTD nor indulged in adulteration of ghee. For about more than eight times, he had been to the office of the CBI for cooperating in the process of investigation. The Hon'ble Apex Court directed the Special Investigation Team (SIT) to find out whether the ghee supplied to the TTD was adulterated or not. There was no direction from the Hon'ble Apex Court to conduct investigation regarding the alleged amassment of wealth by the petitioner or any other accused, for that matter. Thus, there was a misdirection in the investigation process, and the investigation has been conducted sans jurisdiction. The order of the Hon'ble Apex Court was wrongfully interpreted by the 2<sup>nd</sup> respondent.

5. Sri C. Nageswara Rao, the learned Senior Counsel for the petitioner further argued that all the main accused were enlarged on bail, except the petitioner who has been in judicial custody for the past 47 days. The phone of the petitioner was also seized by the investigating officials. He never worked in TTD, and he never indulged in the alleged affairs. He was a Special Liaison Officer in AP Bhavan in Delhi. In view of the above submissions, it is urged to enlarge the petitioner on bail.

6. *Per contra*, Sri P.S.P. Suresh Kumar, the learned Special Public Prosecutor for the CBI, having filed a detailed counter and an additional counter, strongly opposed the grant of bail to the petitioner, contending that substantial amounts of money were collected by the petitioner from ghee suppliers and new tenderers. The Petitioner allegedly had not cooperated with

the investigation and provided evasive replies. If released on bail, he may evade the court process, as he has no permanent abode. Four other accused are yet to be apprehended, and the Petitioner has not provided his previous mobile phone or at least its details. He has amassed substantial immovable properties, including fourteen plots in Vizag, with the money routed through hawala channels. Further investigation is required to determine at whose behest, he allegedly demanded commission on ghee supplied by other accused. Provisions of the Prevention of Corruption Act, 1988<sup>4</sup> are also invoked. At the relevant time, the Petitioner worked as Personal Assistant to a Member of Parliament (Lok Sabha), the then Chairman of TTD. Even though employed as Special Liaison Officer at AP Bhavan, Delhi, he had allegedly interfered in TTD's administrative affairs and committed offences. As the investigation is ongoing, it is urged that the bail petition be dismissed.

7. Thoughtful consideration is bestowed on the arguments advanced by the learned Senior Counsel for the petitioner and the learned Special Public Prosecutor. I have perused the record.

8. Now the point for consideration is:

***“Whether the Petitioner is entitled for grant of bail?”.***

9. The learned Special Public Prosecutor filed counter and also additional counter narrating minutely what has been transpired so far in this case including process of investigation. It is not out of place to mention here that the Hon'ble Apex Court, in W.P.(Civil) No.622 of 2024 filed by Dr. Subramanian Swamy on 30.09.2024, requested the learned Solicitor General

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<sup>4</sup> the PC Act

to present his views and assist the Court on the point whether the investigation by the SIT appointed by the State Government should continue or be conducted by an independent agency, and posted the matter to 03.10.2024. The Hon'ble Apex Court, on 04.10.2024, at para No.9 of its order, to assuage the concerns of crores of devotees, directed that the investigation should be conducted by an independent SIT comprising representatives of the Central Bureau of Investigation (CBI), the State Government, and the Food Safety and Standards Authority of India (FSSAI). Originally, on the complaint lodged by the General Manager (Procurement), TTD, an FIR was registered by the Station House Officer, East Police Station, Tirupati. Subsequently, a Special Investigation Team (SIT) was constituted as per the directions of the Government of Andhra Pradesh. Thereafter, the Hon'ble Apex Court, in order to ensure a free and fair investigation by an independent agency and to assuage the concerns of crores of devotees across the world, only reconstituted the SIT, comprising representatives of the CBI, the State Government, and the FSSAI. Therefore, the contentions of the learned Senior Counsel for the petitioner that there was a misdirection in the investigation process and that the investigation was conducted sans jurisdiction do not hold water and the same is negated.

10. A learned single Judge of this Court, by order dated 10.07.2025, allowed the writ petition filed seeking for issuance of a writ of mandamus for a direction to conduct a free and fair investigation by the SIT constituted pursuant to the directions of the Hon'ble Supreme Court in W.P.(Civil) No.622



of 2024, dated 04.10.2024. However, the Hon'ble Apex Court, in SLP (Crl.) No. 12653 of 2025, by order dated 26.09.2025, stayed the operation of the order passed by the learned Single Judge in the said case.

11. In this context, it is apposite to refer to the judgments of the Hon'ble Apex Court, relied on by the learned Special Public Prosecutor for CBI issuing certain guidelines for granting regular bails. In **Pinki v. State of Uttar Pradesh**<sup>5</sup>, the Hon'ble Supreme Court at para Nos.67 and 78 held that considering the gravity of the offence and the accused's *modus operandi*, the High Court erred in granting bail in a callous manner without adequate safeguards, resulting in accused absconding and jeopardizing the trial; the Court failed to balance personal liberty with societal interest by not imposing conditions such as regularly reporting to the police; and the true test of judicial discretion in bail lies in striking a fair balance between the rights of the accused and the interest of society, based on the facts of each case.

12. The Hon'ble Apex Court in **Gudikanti Narasimhulu v. Public Prosecutor**<sup>6</sup>, at para No.9, held that courts may consider the risk of an accused interfering with justice when deciding bail. Examining the applicant's criminal antecedents is rational, especially to assess the likelihood of reoffending while on bail. Thus, bail discretion based on criminal history is relevant and justified to protect society.

13. The Hon'ble Apex Court in **Prahlad Singh Bhati v. NCT, Delhi**<sup>7</sup>, at para No.8 held that bail must be granted judiciously, based on settled

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<sup>5</sup> 2025 SCC OnLine SC 781

<sup>6</sup> (1978) 1 SCC 240

<sup>7</sup>(2001) 4 SCC 280

principles and the specific facts of each case, not arbitrarily. Courts must consider the nature of the accusation and evidence, severity of punishment, character of the accused, risk of absconding or witness tampering, and public interest. At the bail stage, the court needs only assess whether there are reasonable grounds to believe a *prima facie* case exists.

14. The Hon'ble Supreme Apex Court in **Ram Govind Upadhyay v. Sudarshan Singh**<sup>8</sup>, at para No.3 held that grant of bail is discretionary but must be exercised judiciously and supported by cogent reasons. Bail decisions depend on the facts of each case, and social standing of the accused alone is not decisive. The nature and gravity of the offence are crucial factors, with more heinous crimes justifying greater caution in granting bail.

15. The Hon'ble Apex Court in **Prasanta Kumar Sarkar v. Ashis Chatterjee**<sup>9</sup> at para No.9 held as under:

*"9...It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:*

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
- (ii) nature and gravity of the accusation;*
- (iii) severity of the punishment in the event of conviction;*
- (iv) danger of the accused absconding or fleeing, if released on bail;*
- (v) character, behaviour, means, position and standing of the accused;*
- (vi) likelihood of the offence being repeated;*
- (vii) reasonable apprehension of the witnesses being influenced: and*
- (viii) danger, of course, of justice being thwarted by grant of bail."*

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<sup>8</sup>(2002) 3 SCC 598

<sup>9</sup>(2010) 14 SCC 496

16. The Hon'ble Supreme Court in **Brijmani Devi v. Pappu Kumar**<sup>10</sup>, at para No.35 held that individual liberty is vital, but courts must also consider the seriousness of accusations supported by adequate material. Bail decisions must rest on a reasoned *prima facie* assessment of the vital facts on record. The nature of the crime, criminal antecedents, and the severity of punishment upon conviction are key considerations.

17. The Hon'ble Apex Court in **Manoj Kumar Khokhar v. State of Rajasthan**<sup>11</sup> at para Nos.37 and 38 held that courts must exercise bail discretion judiciously, balancing the alleged crime with the need to ensure a fair trial. Though detailed reasoning is unnecessary, a bail order must contain relevant reasons and cannot be unreasoned. If bail is perverse or ignores material facts, it may be challenged on appeal or cancelled if new circumstances arise.

18. The Hon'ble Supreme Court in **Pinki supra** at para No.63 held that individual liberty cannot be so overstated as to cause disorder or undermine law and order in society. Bail decisions must reflect reasoned application of mind and adherence to established legal norms, not rigid formulas. Liberty operates within the limits of law and carries a responsibility to preserve social tranquility and safety.

19. The Hon'ble Apex Court in **Pinki supra** at para No.64, relying on its earlier decision in **Ash Mohammad v. Shiv Raj Singh**<sup>12</sup>, held that personal liberty, though highly valued, is neither absolute nor unrestricted. It must be

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<sup>10</sup>(2022) 4 SCC 497

<sup>11</sup>(2022) 3 SCC 501

<sup>12</sup>(2012) 9 SCC 446

exercised within limits so as not to endanger the life or liberty of others. Society does not tolerate actions that are anti-social or harmful to the collective good.

20. The Hon'ble Supreme Court in **Rohit Bishnoi v. State of Rajasthan**<sup>13</sup> at para Nos.24 and 25 held that while individual liberty is vital, bail decisions must account for the seriousness of accusations supported by adequate material and a reasoned prima facie assessment. Courts need not give elaborate reasons or examine merits in detail, especially at an early trial stage. However, bail orders must consider material factors such as gravity of offence, possible punishment, witness influence, evidence tampering, criminal antecedents, and prima facie satisfaction.

21. The Hon'ble Apex Court in **Y.S. Jagan Mohan Reddy v. Central Bureau of Investigation**<sup>14</sup> at para Nos.34 and 35 held that economic offences form a distinct category and require a stricter approach to bail due to their serious impact on public funds and the national economy. Such offences, often involving deep-rooted conspiracies, are treated as grave threats to financial stability. While granting bail, courts must consider the nature of accusations and evidence, severity of punishment, character of the accused, risk of absconding or witness tampering, and public interest.

22. Sri C. Nageswara Rao, the learned Senior Counsel for the petitioner relied on the judgment of the Hon'ble Apex Court in **Mayawati v. Union of**

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<sup>13</sup>2023 18 SCC 753

<sup>14</sup>(2013) 7 SCC 439

**India**<sup>15</sup> wherein at para Nos.27, 28 and 35 it is held that the Court's orders prior to and on 18-09-2003 focused solely on alleged irregularities in the Taj Heritage Corridor Project, particularly the release of Rs. 17 crores without proper sanction. CBI was directed to investigate the project and verify officers' assets, but there was no consideration or separate direction regarding the petitioner's alleged disproportionate assets from 1995–2003. Subsequent orders, including those on 25.10.2004 and 07.08. 2006, confirmed that no link was found between the Taj Corridor matter and the petitioner's assets, and no separate FIR under 'the PC Act.,' was warranted.

23. In this regard, it is apposite and profitable to refer to the landmark judgment of the Hon'ble Apex Court in **P. Chidambaram v. CBI**<sup>16</sup>, where the entire law on grant of bails was discussed. At paragraph Nos.16, 17, 22 to 25, it is held as under:

*"16. Expression of prima facie reasons for granting or refusing to grant bail is a requirement of law especially where such bail orders are appealable so as to indicate application of mind to the matter under consideration and the reasons for conclusion. Recording of reasons is necessary since the accused/prosecution/victim has every right to know the reasons for grant or refusal to grant bail. This will also help the appellate court to appreciate and consider the reasonings for grant or refusal to grant bail. But giving reasons for exercise of discretion in granting or refusing to grant bail is different from discussing the merits or demerits of the case. At the stage of granting bail, an elaborate examination of evidence and detailed reasons touching upon the merit of the case, which may prejudice the accused, should be avoided. Observing that "at the stage of granting bail, detailed examination of evidence and elaborate documentation of the merits of the case should be avoided", in *Niranjan Singh [Niranjan Singh v. Prabhakar Rajaram Kharote, (1980) 2 SCC 559 : 1980 SCC (Cri) 508]*, it was held as under: (SCC pp. 561-62, para 3)*

*"3. ... Detailed examination of the evidence and elaborate documentation of the merits should be avoided while passing orders on bail applications. No party should have the impression that his case has been prejudiced. To be satisfied about a prima facie case is needed but it is not the same as an exhaustive exploration of the merits in the order itself."*

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<sup>15</sup> (2012) 8 SCC 106

<sup>16</sup>(2020) 13 SCC 337

17. In the present case, in the impugned judgment, paras 52 to 75 relate to the findings on the merits of the prosecution case. As discussed earlier, at the stage of considering the application for bail, detailed examination of the merits of the prosecution case and the merits or demerits of the materials relied upon by the prosecution, should be avoided. It is, therefore, made clear that the findings of the High Court in paras 52 to 75 be construed as expression of opinion only for the purpose of refusal to grant bail and the same shall not in any way influence the trial or other proceedings.

22. There is no hard-and-fast rule regarding grant or refusal to grant bail. Each case has to be considered on the facts and circumstances of each case and on its own merits. The discretion of the court has to be exercised judiciously and not in an arbitrary manner. At this stage itself, it is necessary for us to indicate that we are unable to accept the contention of the learned Solicitor General that “flight risk” of economic offenders should be looked at as a national phenomenon and be dealt with in that manner merely because certain other offenders have flown out of the country. The same cannot, in our view, be put in a straitjacket formula so as to deny bail to the one who is before the court, due to the conduct of other offenders, if the person under consideration is otherwise entitled to bail on the merits of his own case. Hence, in our view, such consideration including as to “flight risk” is to be made on individual basis being uninfluenced by the unconnected cases, more so, when the personal liberty is involved.

23. In *Kalyan Chandra Sarkar v. Rajesh Ranjan* [*Kalyan Chandra Sarkar v. Rajesh Ranjan*, (2004) 7 SCC 528, it was held as under : (SCC pp. 535-36, para 11)

“11. The law in regard to grant or refusal of bail is very well-settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for *prima facie* concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:  
(a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.  
(b) Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.  
(c) Prima facie satisfaction of the court in support of the charge. (See *Ram Govind Upadhyay v. Sudarshan Singh* [*Ram Govind Upadhyay v. Sudarshan Singh*, (2002) 3 SCC 598 and *Puran v. Rambilas* [*Puran v. Rambilas*, (2001) 6 SCC 338])”

24. Referring to the factors to be taken into consideration for grant of bail, in *Jayendra Saraswathi Swamigal v. State of T.N.* [*Jayendra Saraswathi Swamigal v. State of T.N.*, (2005) 2 SCC 13: it was held as under: (SCC pp. 21-22, para 16)

“16. ... The considerations which normally weigh with the court in granting bail in non-bailable offences have been explained by this Court in *State v. Jagjit Singh* [*State v. Jagjit Singh*, AIR 1962 SC 253 : (1962) 1 Cri LJ 215] and *Gurcharan Singh v. State (Delhi Admn.)* [*Gurcharan Singh v. State (Delhi Admn.)*, (1978) 1 SCC 118 and basically they are — the nature and seriousness of the offence; the character of the evidence; circumstances which are

peculiar to the accused; a reasonable possibility of the presence of the accused not being secured at the trial; reasonable apprehension of witnesses being tampered with; the larger interest of the public or the State and other similar factors which may be relevant in the facts and circumstances of the case.”

25. After referring to para 11 of Kalyan Chandra Sarkar [Kalyan Chandra Sarkar v. Rajesh Ranjan, (2004) 7 SCC 528, in State of U.P. v. Amarmani Tripathi, (2005) 8 SCC 21, it was held as under : case [State of U.P. v. Amarmani Tripathi, (2005) 8 SCC 21, SCC p. 31, para 18)

“18. It is well-settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of the accused absconding or fleeing, if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail [see Prahlad Singh Bhati v. State (NCT of Delhi) [Prahlaad Singh Bhati v. State (NCT of Delhi), (2001) 4 SCC 280 : and Gurcharan Singh v. State (Delhi Admn.), (1978) 1 SCC 118. While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused.”

24. In this context, it is also apposite to refer the judgment of the Hon’ble Apex Court in **P. Krishna Mohan Reddy v. State of Andhra Pradesh**<sup>17</sup>, at

Para Nos.27 and 53 (iv) it is held as under:

“27. To some extent, the petitioners could be said to have made out a prima facie case of political bias or mala fides but that by itself is not sufficient to grant anticipatory bail overlooking the other prima facie materials on record. Political vendetta or bias if any is one of the relevant considerations while considering the plea of anticipatory bail. The courts should keep one thing in mind, more particularly, while considering the plea of anticipatory bail that when two groups of rival political parties are at war which may ultimately lead to litigations, more particularly, criminal prosecutions there is bound to be some element of political bias or vendetta involved in the same. However, political vendetta by itself is not sufficient for the grant of anticipatory bail. The courts should not just look into the aspect of political vendetta and ignore the other materials on record constituting a prima facie case as alleged by the State. It is only when the court is convinced more than prima facie that the allegations are frivolous and baseless, that the court may bring into the element of political vendetta into consideration for the purpose of considering the plea of anticipatory

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<sup>17</sup> 2025 SCC Online SC 1157



bail. The frivolity in the entire case that the court may look into should be attributed to political bias or vendetta.

53. From the above exposition of law, the following emerges:

(iv) Where such police statement of an accused is confessional statement, the rigour of Section(s) 25 and 26 respectively will apply with all its vigour. A confessional statement of an accused will only be admissible if it is not hit by Section(s) 24 or 25 respectively and is in tune with the provisions of Section(s) 26, 28 and 29 of the Evidence Act respectively.

In other words, a police statement of an accused which is in the form of a confession is per se inadmissible and no reliance whatsoever can be placed on such statements either at the stage of bail or during trial. Since such confessional statements are rendered inadmissible by virtue of Section 25 of the Evidence Act, the provision of Section 30 would be of no avail, and no reliance can be placed on such confessional statement of an accused to implicate another co-accused."

25. The Hon'ble Apex Court in **Ashok Dhankad v. State (NCT of Delhi)**<sup>18</sup>, held while culling out the principles for grant of bail at paragraph No.19 as under:

*"19. The principles which emerge as a result of the above discussion are as follows:*

*(i) An appeal against grant of bail cannot be considered to be on the same footing as an application for cancellation of bail;*

*(ii) The Court concerned must not venture into a threadbare analysis of the evidence adduced by prosecution. The merits of such evidence must not be adjudicated at the stage of bail;*

*(iii) An order granting bail must reflect application of mind and assessment of the relevant factors for grant of bail that have been elucidated by this Court. [See : Y v. State of Rajasthan (Supra); Jaibunisha v. Meherban<sup>9</sup> and Bhagwan Singh v. Dilip Kumar @ Deepu<sup>10</sup>]*

*(iv) An appeal against grant of bail may be entertained by a superior Court on grounds such as perversity; illegality; inconsistency with law; relevant factors not been taken into consideration including gravity of the offence and impact of the crime;*

*(v) However, the Court may not take the conduct of an accused subsequent to the grant bail into consideration while considering an appeal against the grant of such bail. Such grounds must be taken in an application for cancellation of bail; and*

*(vi) An appeal against grant of bail must not be allowed to be used as a retaliatory measure. Such an appeal must be confined only to the grounds discussed above."*

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<sup>18</sup>2025 SCC OnLine SC 1690



26. The Hon'ble Apex Court in **State of Karnataka v. Sri Darshan**<sup>19</sup>, while elaborately dealing with the law relating to grant or cancellation of bail, set aside the bail granted to the accused therein.

27. Keeping in view the ratio lay down by the Hon'ble Apex Court in the above-mentioned judgments cited and relied on by the learned counsel for the both sides, the case on hand must be resolved. It is not in dispute that the petitioner for more than three occasions was summoned by the SIT. However, on later occasion, as the petitioner was not cooperating in the investigation, he was arrested and forwarded to judicial remand, and later the petitioner was also taken to police custody for a period of five days.

28. It is evident from the record that in the complaint it was alleged that M/s AR Dairy was awarded ghee tender for supply of cow ghee to TTD of 10 lakhs KGs @ Rs.319.80 per kg. *Prima facie*, it was opined that the rate of Rs.319.80/kg appeared to be unviable and unreasonable for supplying pure Ghee. M/s AR Dairy supplied ghee in 08 tankers out of which 04 tankers were returned on the ground of adulteration as per NDDB report. Thus, it was alleged that A R Dairy supplied adulterated and sub-standard ghee by violating the TTD tender conditions. NDDB Report shows that ghee supplied by AR Dairy was allegedly substandard, adulterated and has vegetable & animal fat-based adulterants including LARD. During the further Investigation, the role of the petitioner has emerged. Accordingly, he has been arraigned as accused No.24 in this case.

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<sup>19</sup> 2025 INSC 979

29. It is revealed in investigation that the petitioner worked as Special Liaison Officer at AP Bhavan, New Delhi from October 2019 to October 2022 and worked as Special Officer, AP Bhavan, New Delhi from October 2022 to June 2024 and received salary and other allowances from the Govt. of AP., thus he is a Public Servant as defined under 2(c) of 'the PC Act'.

30. It is further revealed in investigation that the petitioner demanded Rs.25/- per Kg of ghee as commission for supply of ghee to TTD after awarding the ghee tender to M/s Bhole Baba Organic Dairy Milk Private Limited. TTD floated tender *vide* TTD-34022(31)/81/2022-PROCUREMENT SEC-TTD for procurement of 24,50,000 Kgs of Agmark Special Grade Cow Ghee through tankers from National vide dairies with due date of E-tender (technical bid) on 10.05.2022. Accordingly, four dairies namely M/s Premier Agri Foods Pvt. Ltd, Bareilly, UP, M/s Alpha Milk Foods Pvt. Ltd, Hathras, UP, M/s Karnataka Coop Milk Producers Federations Ltd, Karnataka and M/s Bhole Baba Organic Dairy Milk Private Limited, Fatehpur participated in the said tender. During the above tender process, on 10.05.2022, Technical Evaluation committee meeting was conducted and regarding Bhole Baba Dairy, the committee recommended for plant inspection once again within one year, due to the alleged influence of petitioner. It is alleged that in the course of investigation petitioner did not divulge true facts about the demand of bribe.

31. It is revealed furthermore in the investigation that on 16.05.2025, the then Chairman, TTD handed over an anonymous complaint against M/s Bhole Baba Organic Dairy Milk Private Limited to General Manager, Procurement,

TTD at Tirumala for enquiry. The said anonymous petition was allegedly handed over by the petitioner to the then Chairman, TTD. It is alleged that the petitioner did not disclose the true facts regarding the anonymous complaint forwarded to the then Chairman, TTD.

32. It is further divulged that on 06.06.2022, M/s Bhole Baba Organic Dairy Milk Private Limited, Fatehpur plant was inspected by the Plant Inspection committee headed by General Manager (P), TTD who allegedly received repeated calls from the petitioner and the Plant Inspection committee reported that the plant is not technically qualified. During the Investigation, it is revealed that the petitioner received huge amounts towards bribe from the representatives of ghee supplies. There are several transactions including huge cash deposits in his accounts maintained at State Bank of India and Union Bank of India. Though his salary during the entire period was around Rs.65 lakhs, there are transactions amounting to about Rs.4.60 crores in his bank account. It is unearthed that petitioner had operated the SBI Account in the name of other in Vijayawada and the mobile number in the name of a female linked to the account was also used by him and made transactions and transfers.

33. It is further exposed that the petitioner acquired immovable properties of 13 plots and one flat in his name during the period from 2021 to 2024. The petitioner had not co-operated in the investigation that the true facts regarding under whose Instructions he interfered in the affairs of TTD, as Personal Assistant to the then Chairman, TTD and demanded and accepted money

from the suppliers of ghee to TTD. It was further alleged that large bank transactions in his accounts were detected and that he amassed numerous immovable properties disproportionate to his salary income. He was also alleged to have, with *mala fide* intent, withheld facts exclusively within his knowledge from the investigation agency. However, as an accused, the Petitioner has the right to remain silent under Section 315 of 'the Cr.P.C.,' and Article 20(3) of the Constitution of India.

34. The SIT constituted by the Hon'ble Apex Court mandated a deeper probe to uncover the larger conspiracy in the case, as it pertains to the supply of adulterated ghee to TTD, which defiled sentiments of crores of devotees worldwide. Though all the main accused, who supplied ghee to TTD, were enlarged on bail after completion of the statutory period, the investigation into the alleged role of the Petitioner is at a crucial stage. The Petitioner was arrested on 29.10.2025. He has been in judicial custody for only 47 days. The period in which an application for granting of custodial interrogation is not yet completed. Four more accused are still at large. The SIT is required to determine at whose behest the Petitioner had allegedly demanded Rs. 25 per kg of adulterated ghee the mode in which the money was paid to him and others, and who are the ultimate beneficiary unlawfully. Undoubtedly, enlarging the petitioner on bail, even with certain stringent conditions, would hamper the further progress of the investigation at this juncture.

35. Considering the above facts and circumstances, the gravity and nature of the allegations leveled against the Petitioner, this Court is of the benign

view that the request for releasing him on bail is not convincing or reasonable at this stage. There are no merits in the petition. Hence, the Criminal Petition is liable to be dismissed.

36. In the result, the Criminal Petition is dismissed.

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**DR. Y. LAKSHMANA RAO, J**

Date: 15.12.2025

Note: LR copy to be marked.

B/o  
KMS

**THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO**

**CRIMINAL PETITION NO: 12357 of 2025**

Date: 15.12.2025

Note: LR copy to be marked.

B/o  
KMS