

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 349 of 2015

ORDER:

The petitioner, who is accused No.1, filed the present Criminal Petition under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.149 of 2014 of Sarubujjili Police Station, registered for the offences punishable under Sections 465, 468, 471, 420 and 379 read with 34 IPC.

The allegations made against the petitioner would show that on the date of incident, the vigilance staff, along with revenue staff and mediators, proceeded to Yaragam Sand ramp, where they found seven lorries loaded with sand. The sand was loaded with the help of JCB (Tata) Hitch Ex.200. When enquired, the lorry drivers present there, are alleged to have disclosed that the lorries were loaded on the instructions given by the petitioner herein, who was a mediator. Basing on the same, the above case came to be registered against the petitioner and 14 others.

Heard learned counsel for the petitioner and learned Public Prosecutor appearing for the respondent-State.

A perusal of the material on record would disclose that the petitioner herein was a mediator and was instrumental in loading the sand in to the lorries. It is true that the petitioner was not present at the scene of offence, but the statements of the lorry drivers would show that at the instance of petitioner only the lorries were loaded with sand. In view of the above, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the Criminal Petition is dismissed. However, the petitioner, if so advised shall surrender before the Court concerned and move an application for bail after giving prior notice to the public

prosecutor concerned, in which event the same shall be dealt with in accordance with law either on the same day or atleast by next day.

C. PRAVEEN KUMAR, J

04.02.2015

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