

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.300 of 2015

ORDER:

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The petitioner, who is A3, filed the present application under Section 438 Cr.P.C., seeking release in the event of his arrest in connection with Crime No.5 of 2015 of Dachepalli Police Station, Guntur District, registered for the offences punishable under Section 420 of IPC and Section 7 of Essential Commodities Act (for short, 'the Act').

The averments in the report would disclose that on 07.01.2015 at about 09.30 p.m., the Sub Inspector of Police, Dachepalli, along with his staff, on receipt of credible information with regard to transportation of P.D.S. rice from Dachapalli, proceeded to the spot and intercepted a lorry bearing No.AP 07 TU 4957 and seized 130 bags of P.D.S. rice. Basing on the said arrest and seizure, the above case came to be registered.

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

Learned counsel for the petitioner submits that even accepting the allegations in the report to be true, no offence is made out against the petitioner. According to him, Section 7 of the Act is bailable and the allegations under Section 420 are not made out in the present case. The petitioner never purchased stock from the Fair Price Shop dealers and as such it cannot be said that he has caused wrongful loss to the Government.

Learned Public Prosecutor opposed the application contending that the averments in the panchanama clearly disclose the petitioner purchasing rice from Fair Price Shop dealers and that he was involved in seven other crimes.

A perusal of the material placed by the learned Public Prosecutor would show that the petitioner is involved in seven crimes of similar nature which are

as under:

- (i) Cr.No.122 of 2014 for the offences punishable under Section 420 of IPC and Section 7 of the Act, Rompicherla Police Station,
- (ii) Cr.No.4 of 2013 for the offences punishable under Section 420 of IPC and Section 7 of the Act, Piduguralla Police Station,
- (iii) Cr.No.73 of 2013 for the offences punishable under Sections 406, 408 and 420 of IPC and Section 7 of the Act, Piduguralla Police Station,
- (iv) Cr.No.37 of 2014 for the offences punishable under Section 420 of IPC and Section 7 of the Act, Piduguralla Police Station,
- (v) Cr.No.103 of 2014 for the offences punishable under Sections 406, 408 and 420 of IPC and Section 7 of the Act, Piduguralla Police Station,
- (vi) Cr.No.148 of 2014 for the offences punishable under Sections 406, 408 and 420 of IPC and Section 7 of the Act, Piduguralla Police Station,
- (vii) Cr.No.222 of 2014 for the offences punishable under Sections 406, 408 and 420 of IPC and Section 7 of the Act, Piduguralla Police Station.

From the above, it appears that the petitioner is a habitual offender. Apart from that, the statement of one Makala Satish Kumar, S/o. Nageswara Rao, who was arrested at the spot, would clearly reveal the involvement of the petitioner in alleged offences. As per the said statement, the petitioner used to purchase P.D.S. rice from Fair Price Shop dealers and send the same through him for selling at a higher price.

Since the averments in the panchanama would clearly disclose purchase

of P.D.S. rice from Fair Price Shop dealers, it cannot be said that no loss is caused to the informant.

In view of the circumstances stated above, the request of the petitioner for grant of anticipatory bail cannot be considered.

However, it is open to the petitioner to approach the concerned Court and make an application for regular bail after giving prior notice to the learned Public Prosecutor concerned in which event, the same shall be dealt with in accordance with law.

Accordingly, the criminal petition is disposed of.

As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

C. PRAVEEN KUMAR, J

04.02.2015

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