

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.3630 of 2015

ORDER:

The petitioner, who is A-7 in PRC No.11 of 2012, on the file of the Judicial Magistrate of First Class, Chevella, filed the present application under Sections 437 & 439 Cr.P.C., seeking enlargement on bail. A charge sheet came to be filed against the petitioner and others for an offence punishable under Sections 395 IPC.

The case of the prosecution is that on the intervening night of 04.01.2012 and 05.01.2012, the petitioner along with other accused proceeded to Mokhila village of Shankerpally Mandal, committed theft of 80 sheep and transported them in a DCM van bearing No. AP04 X 1001 after tying LW.1 and others. Basing on the report given by LW.1, the above case came to be registered.

Learned counsel for the petitioner submits that the petitioner is in jail since last three years and as the charge sheet is already filed, seeks bail. Learned Additional Public Prosecutor opposed the petitioner stating that the petitioner is involved in number of property theft cases, and if he is released on bail, it would be difficult to apprehend him again.

A perusal of the material placed before this Court would disclose that in about six cases, the petitioner pleaded guilty and the imprisonment was set off with the period undergone by him. All the cases, shown against the petitioner in the CD file, relate to the offence of theft and it is said that that he is an expert in animal theft cases. In the present case, the offence alleged is one under Section 395 IPC. The petitioner along with others are alleged to have caught hold of LW.1 and another, took them to a distant place, tied them to a pole and then took away 80 sheep belonging to LW.1 and another in a DCM Van. It may be true that the sheep are recovered, but that by itself

cannot be a ground to grant bail as the petitioner appears to a habitual offender.

Having regard to the circumstances stated above and as the petitioner is involved in number of cases, his request for bail cannot be accepted.

Accordingly, the Criminal Petition is dismissed. Since the police have already filed charge sheet and the same is numbered as PRC No.11 of 2012, learned Magistrate shall commit the case to the Court of Sessions at the earliest and the learned Sessions Judge is advised to dispose of the same as expeditiously as possible, preferably within a period of 3 to 4 months from the date of receipt of a copy of this order, as the petitioner – A7 is in jail.

C. PRAVEEN KUMAR, J

April 24, 2015.
KTL