

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.2085 of 2015

ORDER:

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The petitioner, who is accused No.2, filed the present Criminal Petition under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.147 of 2015 of Jadcherla Police Station, Mahabubnagar District, registered for the offences punishable under Section 379 IPC, Section 3 of the Prevention of Damage to Public Property Act, 1984 and Sections 27 and 35 (i) of Andhra Pradesh Water, Land and Trees Act, 2002.

The case of the prosecution is that on 02.03.2015 at about 9.30 p.m. while the S.I. of Police along with his staff were doing patrolling on Akash-2 High way, they noticed a lorry bearing No.TS 15 UA 3114 with sand load coming in opposite direction. The police stopped the vehicle and asked the driver about the sand load, he disclosed that he is not having any permission or licence to transport the said sand and at the instance of the petitioner, who is the owner of the lorry the same is being transported. Police seized the lorry along with sand. Basing on these allegations, the above case came to be registered.

Heard learned counsel for the petitioner and learned Public Prosecutor representing the State.

Learned counsel for the petitioner mainly submits that the petitioner is owner of the Lorry which was seized at the scene and that he was not present at the scene of offence. It is stated that the driver of the vehicle misused the same, without his knowledge and hence seeks anticipatory bail.

Learned Public Prosecutor opposed the grant of anticipatory bail.

A reading of the contents of the report discloses that without having any permission or licence the sand was being transported in the lorry belonging to the petitioner. In view of the allegations, which prima facie constitute the offence alleged, I am not inclined to grant anticipatory bail to the petitioner. However, the petitioner, if so advised shall surrender before the Court concerned and move an application for bail before an appropriate Court 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 at the earliest.

Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

18.03.2015

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