

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.1914 OF 2015

ORDER:

The petitioner, who is A-20, filed the present application under Section 438 Cr.P.C., seeking release in the event of his arrest in connection with S.C. No.318 of 2014 on the file of the V Additional Munsif Magistrate, Tirupathi. A charge-sheet came to be filed against the petitioner along with 19 others for the offences punishable under Sections 307, 353, 379 IPC and Section 20(i)c(ii), III, IV, V and Section 29(2)(B) of A.P. Forest Act, 1967 and Rule No.3 of A.P. Forest Sander Wood and Red Sandal Wood Transit Act, 1969.

The case of prosecution is as under :

On 16.03.2013 at 3.00 p.m., the S.I. of Police, Renigunta Urban Police Station, on receipt of credible information regarding the illegal transportation of red sander logs, he along with another S.I., staff and panchayatdars proceeded to Rass Acharya N.G.Ranga Krushi Vignana Kendram Samstha on Renigunta-Kadapa road and found A-1 to A-18 carrying red sander logs. On seeing the police, the accused tried to run away, but the police personnel surrounded and caught hold of them along with red sander logs. Then the S.I. of police arrested A-1 to A-18 and on interrogation they confessed about the commission of offence and further confessed that they were engaged by A-19 and the petitioner herein who is A-20. As per the directions of A-10 and A-20 only they are alleged to have committed the offence. Basing on these allegations, the above case came to be registered and after completion of investigation the police filed charge-sheet against A-1 to A-18 by showing A-19 and the petitioner herein i.e., A-20 as absconding.

The learned counsel for the petitioner submits that all the offences alleged against the petitioner are bailable in nature and as such the question of arresting the petitioner does not arise. According to him, the ingredients constituting the offences punishable under Section 307, 353 and 379 IPC are not made out against the petitioner as admittedly he was present at the scene of offence. In the absence of any charge of conspiracy and abetment, he submits that the petitioner cannot be fastened with the liability of committing offences under Section 307, 353 and other penal offences.

Learned Public Prosecutor opposed the application contending that the charge-sheet which came to be filed was not against the petitioner. The police are at liberty to file a second charge-sheet against the petitioner, in which the appropriate section against the petitioner will be added.

A perusal of the averments in the charge-sheet disclose that the petitioner was not present at the scene of offence. But at the same time, it is to be noted that the petitioner is the person who was providing all the financial help to the other accused in commission of the offence. The allegations disclose that the petitioner along with A-19 employed A-1 to A-18 for cutting red sander logs and the same was being smuggled out to different places with her. The rejection order discloses that the accused are involving in smuggling of red sander logs worth Rs.30 lakhs. The last paragraph of the charge-sheet clearly discloses that A-19 and A-20 are still absconding and after their arrest a separate charge-sheet would be filed. That being the position, It is always open to the police to add appropriate sections while filing charge-sheet against the petitioner. Therefore, at this stage, it cannot be said that the petitioners have no role in commission of the offences including the penal offences along with the other accused. Hence, I am not inclined to grant anticipatory bail.

Accordingly, the criminal petition is dismissed.

C. PRAVEEN KUMAR, J

Date: 06.04.2015

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