

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.2756 of 2015

ORDER:

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The petitioner, who is A-5, filed the present petition under Section 438 Cr.P.C. seeking release in the event of her arrest

in connection with Cr.No.125 of 2014 of B.Kotha Kota Police Station registered for the offences punishable 353, 307,379,120(b) read with 149 IPC, Section 20(1), (c), (ii), (iii)(iv) & (x) of A.P.Forest Act, 1967, Rules 3 and 4 of A.P.Sandal Wood and Red Sanders Wood Transits Rules, 1969, Section 29 of Wild Life Protection Act, 1972 and Section 55 (2) of Biological Diversity Act, 2002 and Section 120(b) IPC r/w.149 IPC and Section 30 of Indian Arms Act, 1959 and Sections 307, 353, 379 r/w.34 IPC.

The case of the prosecution is that 28.12.2014 at about 12 noon the Sub Inspector of police found A-1 to A-4 securing six red sandal logs from

A-5 and A-6 near Gurramkonda and transporting the same in a Tata Indigo Car bearing No.AP09BD 5349 to Hosekota of Karnataka State to hand over the same to A-7. When they reached the above said place, police intercepted their vehicle, but A-1 to A-4 got down from the car and made an attempt to assault the police party with deadly weapons. The police were able to apprehend A1 to A4 and seized Indigo Car bearing No.AP09BD 5349 with red sandal logs, two axes, two stones under a cover of panchanama. Basing on these allegations, the above crime came to be registered.

Learned counsel for the petitioner submits that even accepting the allegations to be true, no offence is made out against the petitioner. According to him, except the confession, there is no other material to connect the petitioner with the crime.

On the other hand, the learned Public Prosecutor submits that the material on record do make out case against the petitioner and as such, he is not entitled for any relief.

A Perusal of averments in the First Information Report show that six red sander longs were collected by A-1 to A-4 from the petitioner, loaded the same in their Indigo Car and were moving towards Hosekota. Therefore, the argument of the learned counsel for the petitioner that there is no material against the petitioner

cannot be accepted.

The question as to whether confession of co-accused is admissible or not is no more *res integra* in view of the judgment of the Apex court in State through ***C.B.I. v. Amarmani Tripathy***, wherein it has been held that the confession of co-accused can also be a basis for holding prima facie accusation against the accused for negating the bail.

In view of the judgment of the Apex court referred to above, it is clear that even the confession of the co-accused can be looked into while considering an application for anticipatory bail as the said confession form the basis for the police to proceed further with the investigation.

In view of the above, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the Criminal Petition is dismissed. However, it is open to the petitioner to surrender and move an application for bail, which shall be dealt in accordance with law. As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

08-04-2015

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