

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION NO.3549 of 2015

ORDER :

The present application is filed under Section 438 Cr.P.C. seeking release in the event of the arrest of the petitioner in connection with the crime No.110 of 2013 of Vayalpad Police Station, Chittoor District, registered for the offences punishable under Section 379 of IPC read with Section 34 of IPC, Section 20

(1)(c)(10) of A.P.Forest Act, 1967 and Section 3(1) of Red Sandal Wood Act.

The learned counsel for the petitioner submits that though the petitioner is not shown as an accused and though the name of the petitioner does not find any place in the first information report, the petitioner is being harassed by the police. On the other hand, learned Public Prosecutor, on instructions, submits that the name of Muduku Jana mentioned in the Mahazarnama refers to the name of the petitioner and hence he is not entitled for any relief.

A perusal of the order passed by the learned Sessions Judge, while rejecting the request of the petitioner reads as under:

“A perusal of the case diary shows that the name of the petitioner does not figured as accused in Crime No.110 of 2013. Further, nothing is alleged against the petitioner in the confessional statements. Even according to the petitioner the name stated in the confession and the name of the petitioner are different. Therefore, there cannot be any apprehension of arrest in relation to Crime No.110 of 2013 on the file of Vayalpad Police Station. In the absence of such apprehension, the petitioner is not entitled for bail in anticipation of arrest as it would constitute a blanket order against the arrest in all future contingencies.”

In view of the finding of the learned Sessions Judge, it is clear that the petitioner is not shown as accused in Crime No.110 of 2013. But the learned Additional Public Prosecutor submits that the name of Muduku Jana mentioned in Mahazarnama relates to petitioner only. The argument advanced by the Additional Public Prosecutor before the lower Court seems contrary to what has been stated here and as the offences alleged against the petitioner are punishable with imprisonment for less than seven years, if the police are of the opinion that the petitioner is an accused in Crime No.110 of 2013, they shall

issue notice under Section 41 of Cr.P.C. and after issuance of such notice, if the petitioner apprehends arrest, he can invoke the remedies available under law.

The Criminal Petition is disposed of with the above direction.

JUSTICE C. PRAVEEN KUMAR

27.04.2015

vhb