

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 2282 of 2015

ORDER :

The petitioner, who is accused No.2 in Crime

No. 17 of 2015 of Sathyavedu Police Station, Chittoor District, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with the above crime registered for the offences punishable under Section 379 IPC, Sections 21(1) & 21(4) of M.M.D.A.R.A. Act and Section 26(1) of W.A.L.T.A. Act.

The case of the prosecution is as under:

On credible information about illegal transportation of sand in a lorry, the S.I. of Police, Satyavedu P.S., along with his staff proceeded to Unique Charms Company, near Sri City Sez., Satyavedu-Tada main road, stopped a lorry bearing registration No.AP 26Y 3006 driven by A.1 and having found that sand was being transported in the said lorry without licence, arrested A.1 and seized the lorry. The petitioner is said to be the owner of the lorry and the sand was being transported at his instance. Basing on these allegations, the above case came to be registered.

Learned counsel for the petitioner mainly submits that sand was being transported by A.1 in the seized lorry without the knowledge of the petitioner and as such his request may be considered. Learned Additional Public Prosecutor opposed the application.

Admittedly, the petitioner is the owner of the vehicle. It is very difficult to believe that the driver would have ventured to transport one lorry load of sand without the knowledge of the owner, that too from a far off place.

Having regard to the nature of allegations made in the report, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the Criminal Petition is dismissed. However, the petitioner, if so advised, is directed to surrender before the concerned Court and move an application for bail before the appropriate Court after giving prior notice to the Public Prosecutor in which event the same shall be dealt with, in accordance with law, at the earliest.

JUSTICE C. PRAVEEN KUMAR

24th March, 2015

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