

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 2413 of 2015

ORDER :

The petitioner, who is accused No.2 in Crime No.17 of 2015 of Sullurpet Police Station, Nellore 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 Sections 447, 427, 379 IPC, Section 21(3) of M.M.D.A.R.A. Act and Section 3 of P.D.P.P.A. Act.

The case of the prosecution is that basing on an information furnished by the Village Revenue Officer of Koridi and in-charge of Ilupuru village about illegal transportation of sand in four tractors, the S.I. of Police proceeded to Ilupuru sand reach and found four tractors loaded with sand.

Learned counsel for the petitioner mainly submits that the petitioner, who is the owner of one of the four tractors, was not present at the scene of offence and sand was being transported without the knowledge of the petitioner. He submits that the petitioner has been falsely implicated in this case basing on a confession of co-accused. Learned Additional Public Prosecutor opposed the application.

The argument of learned counsel for the petitioner that the sand was being transported by the driver without the knowledge of the petitioner, cannot be accepted, since this is a general plea taken in all cases of this nature. No driver would venture to transport one tractor load of sand without the knowledge of the owner of the vehicle, that too from a far off place. Having regard to the said circumstances, 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,

either on the same day or at the earliest.

JUSTICE C. PRAVEEN KUMAR

30th March, 2015

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