

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.163 of 2015

ORDER:

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The petitioner, who is an accused in Crime No. 185 of 2014 of Buchireddypalem Police Station, Nellore District, registered for the offences punishable under Sections 457 and 380 of IPC, filed the present application under Section 438 Cr.P.C., seeking release in the event of his arrest in connection with the above said Crime.

The above case came to be registered against an unknown person who is alleged to have committed theft of money from hundi, ornaments belonging to idol of Goddess Poleramma Temple at Kanigiri Reservoir, Vavveru Village, Buchireddypalem Mandal, SPSR Nellore District. It was alleged that approximately 70 grams of silver articles were also found missing.

Heard learned counsel for the petitioner and learned Public Prosecutor appearing for the respondent-State.

Learned counsel for the petitioner submits that the petitioner is innocent of the offences alleged and he is falsely implicated for the purpose of this case. He further submits that as the name of the petitioner does not find place in the first information report, his request may be considered. Learned Public Prosecutor opposed the application contending that the petitioner is involved in ten other crimes and as such, he is not entitled for anticipatory bail.

It is true that the name of the petitioner does not find place in the first information report. But, since, the offence was committed without the knowledge of the informant and none of them have seen the petitioner committing the offence, a report was lodged against unknown persons. There is nothing unusual in not mentioning the name of the petitioner in the first information report. But during the course of investigation, it came to

light that the petitioner was involved in the Crime. The material on record discloses recovery of incriminating material from the petitioner. As seen from the case diary, the petitioner is involved in ten other crimes.

Learned Public Prosecutor submits that since the involvement of the petitioner in other crimes was not brought to the notice of the Court, he was granted bail in Crime No.170 of 2014.

Having regard to the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner. However, the petitioner, if so advised, shall surrender and move for regular bail before the concerned Court after giving notice to the learned Public Prosecutor concerned, in which event, the same shall be dealt with, in accordance with law.

Accordingly, the criminal petition is disposed of.

As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

28.01.2015
vhb