

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 16548 of 2014

-

ORDER:

-

The petitioner/A1 filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.265 of 2014 of Mannur P.S., Rajampet, Kadapa District, registered for the offence punishable under Section 379 I.P.C. and Section 29(ii)(b) of the A.P.Forest Act and Section 3 of P.D.P.P.Act.

The case of the prosecution is that on 15.11.2014 at about 11.30 a.m. when the police were waiting at Tirupathi-Kadapa main road, K.Boyanapalli village, noticed one black Scorpio vehicle coming from Tirupati side on seeing the police jeep they stopped the vehicle at a distance of 100 meters and the two persons ran away towards Mannur side. With difficulty the police apprehended two of the four persons present in the vehicle and seized red sandal logs from the vehicle. Basing on the said seizure, the above case was registered. The persons who are arrested are alleged to have been made a confession before the police stating that the petitioner is driver of the lorry and the said red sandal logs are loaded at the land of the petitioner.

The learned counsel for the petitioner mainly submits that even accepting the allegations made in the report to be true, except the confession made to the police, which is inadmissible in evidence, there is no material available to connect the petitioner with the crime.

The learned Additional Public Prosecutor opposed the application.

It is true that except the alleged confession made by co-accused there is no other material to connect the petitioner with the crime. But

however, the confession made to the police by other accused cannot be brushed aside at this stage. While dealing with the relevancy of the confession, a learned Single Judge of this Court in ***State of Andhra Pradesh V. Kollam Gangi Reddy***^[1] observed as under:

“The Apex Court in ***State though C.B.I. V. Amarmani Tripathy***^[2] categorically laid down that the confession of co-accused can also be a basis for holding *prima facie* accusation against the accused for negating bail in rejecting the contention contra.”

In view of the allegations made and as the name of the petitioner figures in the First Information Report and having regard to the above mentioned circumstances, I am not inclined to grant anticipatory bail to the petitioner. However, the petitioner, if so advised shall surrender before the Court concerned and make an application for regular bail which shall be dealt with on merits in accordance with law at the earliest.

Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

19th January, 2015
pab

^[1] 2014 (2) ALD (CrI) 684

^[2] AIR 2005 SC 3490