

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.264 of 2015

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ORDER:

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The petitioner/A11 filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.4 of 2014 of Puttur Police Station, Chittoor District, registered for the offence punishable under Sections 353, 307, 379, 411 I.P.C., Sections 20(1)C(III)(IV)(IX) and 29(IV)(A) of the A.P.Forest Act, Sections 3 and 4 of Redsandal and sandal wood transits rule, 1969 and 55(2) of Bio diversity Act, 2002 and Section 27(1) of the Arms Act.

The case of the prosecution is that on 05.01.2014 at 8.00 p.m. when the S.I. of Police was conducting raid at Vepagunta Cross road on Puttur-Nagari road, the petitioner along with other accused are alleged to have attacked the Sub-Inspector of Police with knives, with an intention to kill him and obstructed him from doing his legitimate duties. With difficulty, the police apprehended A1, A4, A5, A6, A7 and A8 and seized 23 red sandal logs weighing 390 kgs worth Rs.1,95,000/- and four vehicles from the spot. The petitioner and three others, who were present at the spot escaped from the scene. Basing on the said allegations, the above case was registered.

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 submits that about six people were apprehended at the spot and their confession made at the spot disclose the presence of the petitioner. Since 23 red sandal logs weighing 390 kgs. were seized from the persons, who were alleged to have arrested at the spot, the petitioner does not deserve for grant of anticipatory bail.

The issue as to whether the confession of two accused can be looked into or not is no more *res integra* in view of the judgment 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.”

A perusal of the First Information Report would show that the name of the petitioner finds place in the said report and the accused, who were apprehended at the spot disclose the presence of the petitioner at the spot.

Having regard to the nature of allegations made and since the acts of the accused attract the offence alleged, 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

30th January, 2015
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^[1] 2014 (2) ALD (CrI) 684

^[2] AIR 2005 SC 3490