

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.198 of 2015

ORDER:

The petitioner, who is A2, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.244 of 2014 of Tada Police Station, Nellore District, registered for the offences punishable under Sections 447, 427 and 379 IPC, Section 21 (2) of the Mines and Minerals (Development and Regulation) Act, 1957 and Section 3 of the Prevention of Damage to the Public Property Act.

The petitioner is the owner of Tractor-Trailer bearing No. AP 26 AA 5446 and 5447, in which he is alleged to have transported the sand illegally. The averments in the report disclose that on credible information regarding illegal transportation of sand from Thageli village, the Sub-Inspector of Police along with mediators went to Medimix factory and found the said tractor with a load of sand. On seeing the police, the driver stopped the tractor and tried to escape. The police are alleged to have chased and apprehended the driver. The driver is alleged to have confessed that the accused was transporting the sand illegally without any permission either from the Government or from local authorities. Basing on these allegations, the above case came to be registered.

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

Learned counsel for the petitioner mainly submits that the petitioner is only an owner of the Tractor-Trailer which was seized at the scene and that he was not present at the scene of offence.

It is stated that the driver of the vehicle misused the same, without his knowledge and hence seeks anticipatory bail.

Learned Additional Public Prosecutor opposed the grant of anticipatory bail.

Having regard to the nature of allegations made, I am not inclined to grant anticipatory bail to the petitioner. However, the petitioner if so advised shall appear before the concerned Court and move an application for grant of bail after giving notice to the Public Prosecutor which shall be dealt with on merits in accordance with law either on the same day or atleast by next day.

With the above direction, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

03.02.2015

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