

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION No. 3807 of 2015

ORDER:

The petitioners, who are accused Nos.3 & 14 in Crime No.168 of 2014 of Madanapalli Taluq Police Station, Chittoor District, filed the present application under Sections 437 & 439 Cr.P.C. seeking enlargement on bail in the above crime registered against them and others for 353, 307, 109, 379 r/w 34 IPC, Section 20(1) (C) (iii) (IV) (X) of A.P. Forest Act 1967, Section 3 of R.S.Wood and RS Transit Rules 1989 and Section 30 of Indian Arms Act 1959.

When the matter is taken up for hearing today, learned counsel for the petitioners seeks permission of the Court to withdraw the criminal petition in so far as the 2nd petitioner is concerned. Permission as sought for is accorded and the Criminal Petition is dismissed as withdrawn in so far as the 2nd petitioner is concerned.

Learned counsel for the 1st petitioner submits that the 1st petitioner was produced on PT warrant on 19.11.2014 before the II Additional Judicial Magistrate of First Class, Madanapalli, Chittoor District and till date no charge sheet is filed. He placed reliance on the observations made in the order dated 12.03.2015 passed by the learned II Additional Judicial Magistrate of First Class at Madanapalli in CrI.M.P.No.1182 of 2015 wherein the learned Magistrate while rejecting the said application observed that the investigation is still pending.

On the other hand, learned Additional Public Prosecutor submits that the charge sheet was filed on 23.02.2015 itself, but the same is not yet numbered as P.R.C.

Since there is a dispute with regard to filing of the charge sheet, the 1st petitioner shall make a suitable application before the concerned Court and the said Court shall see as to whether a charge sheet was filed on 23.02.2015 as contended by learned Public Prosecutor and whether the provisions of 167(2) Cr.P.C. can be invoked against the petitioner. If the petitioner is entitled for bail under Section

167(2) Cr.P.C., the detention of the petitioner under PD Act will not come in the way of passing an order. It is needless to say that even if the petitioner is released, he can not come out on bail in view of his detention under the PD Act.

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

JUSTICE C. PRAVEEN KUMAR

1st May, 2015

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