

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 3750 of 2015

ORDER :

The petitioner, who is accused No. 2 in Crime No. 19 of 2015 of Balayapalli Police Station, Nellore District, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with the above crime registered against him and others for the offences punishable under Sections 447, 427, 379 IPC, Section 21(4) of MMDAR Act and Section 3 of PDPP Act. IPC.

The case of the prosecution is as under:

On credible information about illegal transportation of sand from Kaivalya river near Nindali Village, Balayapalli Mandal, on 10.02.2015 the V.R.O., Balayapalli Cuser, Balayapalli Mandal, along with talari proceeded towards Kadagunta village and found a tractor and trailer loaded with sand. They intercepted the tractor and when enquired, the driver of the tractor disclosed his name as Koduru Bhaskar. Then, the V.R.O. seized the tractor and trailer and handed over the same to the Balayapalli P.S. along with the driver. Basing on these allegations, the above case came to be registered.

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

A perusal of the material placed before the Court would show that the petitioner was not present at the scene of offence and the driver of the tractor was transporting sand. Learned counsel for the petitioner submits that the same was done without the knowledge of the petitioner who is the owner of the tractor.

Having regard to the facts and circumstances of the case, the petitioner, if so advised, is directed to surrender before the Court of Judicial Magistrate of First Class at Venkatagiri and make an application for bail after giving prior notice to the Public

Prosecutor in which event the same shall be dealt with, in accordance with law, either on the same day or at the earliest.

JUSTICE C. PRAVEEN KUMAR

29th April, 2015

Note: Furnish C.C. by 30.04.2015.

(b/o)

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