

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.3232 of 2015

ORDER:

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The petitioner, who is A-9, filed the present petition under Section 438 Cr.P.C. seeking release in the event of her arrest

in connection with Cr.No.123 of 2014 of B.Kotha Kota Police Station registered for the offences punishable 353, 307,379,120(b) read with 34 IPC, Section 20(1), (c),(ii), (iii)(iv) & (x) of A.P.Forest Act, 1967, Rules 3 and 4 of A.P.Sandal Wood and Red Sanders Wood Transits Rules, 1969, Section 29 of Wild Life Protection Act, 1972 and Section 55 (2) of Biological Diversity Act, 2002 and Section 120(b) IPC r/w.149 IPC and Section 30 of Indian Arms Act, 1959 and Sections 307, 353, 379 r/w.34 IPC.

The case of the prosecution is that 25.12.2014 at about 04.00 p.m., the Sub Inspector of police on receiving credible information about illicit transportation of red sander logs, he along with his staff went to Kandlamadugu Village, Kadiri – Madanapalli road, B.Kothakota Mandal and conducted vehicle check. At about 04.50 p.m., they found two motor cycles with four persons and one white colour Tata Sumo coming from Kadiri side. When the informant and his staff tried to stop the vehicle, the riders of motorcycles and TATA Sumo drove the same at a high speed against the police party. When they tried to escape, the police chased and tried to apprehend them. At that point of time, four persons from TATA Sumo and four persons from two motorcycles came towards the police and tried to attack them with axes and stones. In the process two of the accused who were present there escaped.

The police were able to apprehend A1 to A6 and seized 3 stout red sandal logs, 2 bill books, three axes, four stones and one TATA Sumo and two motor cycles from their possession under a cover of panchanama, while they were transporting the redsandal logs without any valid records with the connivance of A-9 to A-12. Basing on these allegations, the above crime came to be registered.

Learned counsel for the petitioner submits that even accepting the allegations to be true, no offence is made out against the petitioner. According to him, except confession, there is no other material to connect the petitioner with the crime.

On the other hand, the learned Public Prosecutor submits that the material on

record do made out case against the petitioner. As such, he is not entitled for any relief.

A Perusal of averments in the First Information Report show that three red sander longs were collected by A-1 to A-4 from the petitioner and loaded the same in Indigo Car and were moving towards Hosekota of Karnataka State. Therefore, the argument of the learned counsel for the petitioner that there is no material against the petitioner cannot be accepted.

The question as to whether confession of co-accused is admissible or not is no more *res integra* in view of the judgment of the Apex court in State through ***C.B.I. v. Amarmani Tripathy***, wherein it has been held that the confession of co-accused can also be a basis for holding prima facie accusation against the accused for negating the bail.

In view of the judgment of the Apex court referred to above, it is clear that even the confession of the co-accused can be looked into while considering an application for anticipatory bail as the said confession would be the basis for the police to proceed further with the investigation.

In view of the above, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the Criminal Petition is dismissed. However, it is open to the petitioner to surrender and move an application for bail, in which event the same shall be dealt in accordance with law.

As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

08-04-2015

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