

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.166 of 2015

ORDER:

-

The petitioner, who is an accused in Crime No.200 of 2014 of Indukurpeta Police Station, Nellore District, filed the present application under Section 438 Cr.P.C., seeking release in the event of his arrest in the above crime registered for the offences punishable under Sections 457 and 380 of IPC.

The above case came to be registered against an unknown person who is alleged to have committed theft of 7 silver articles and few other ornaments of an idol in Tarakeswara Swamy Temple, Gangapatnam Village, Indukurpet Mandal, SPSR Nellore District, on the night of 07.10.2014. It is alleged that, about 600 grams of silver articles were missing.

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

Learned counsel for the petitioner submits that the petitioner is innocent of the offences alleged and the petitioner is falsely implicated for the purpose of this case. He further submits that the name of the petitioner is not there in the first information report. Learned Public Prosecutor opposed the application contending that the petitioner is involved in ten other crimes and as such, he is not entitled for anticipatory bail.

It is true that the name of the petitioner is not found in the first information report. But, *prima facie*, the offence was committed without the knowledge of the informant and none of the persons have seen the petitioner committing the offence. Hence, there is nothing unusual for not including name of the petitioner in the first information report. As seen from the case diary, the petitioner is involved in ten other crimes. In Crime No.170 of 2014 of Kovvuru Police Station, the petitioner was arrested and

within a week, he was released on bail.

Learned Public Prosecutor submits that since the involvement of the petitioner in other crimes was not brought to the notice of the Court, he was granted bail earlier in Crime No.170 of 2014.

Having regard to the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner. However, the petitioner, if so advised, shall surrender and move for regular bail before the concerned Court after giving notice to the learned Public Prosecutor concerned, and in such an event, the same shall be dealt with at the earliest, in accordance with law.

Accordingly, the criminal petition is disposed of.

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

JUSTICE C. PRAVEEN KUMAR

28.01.2015

vhb