

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION No.555 of 2015

ORDER:

The petitioners, who are accused Nos.1 to 4, 15 and 16, filed the present Criminal Petition under Section 438 Cr.P.C. seeking release in the event of their arrest in connection with Crime No.485 of 2014 of Nellore Rural Police Station, Nellore District, registered for the offences punishable under Sections 447, 427, 379 and 120-B IPC and Section 3 of the Prevention of Damage to Public Property Act, 1984 and Sections 21 (1) and 21 (4) of the Mines and Minerals Development and Regulation Act, 1957.

This is a case of illegal lifting of sand from river Pennar and illegal dumping of the same which took place on 31.12.2014. On the said date at about 11.00 hours the Tahsildar, Nellore, conducted raid near Pottepalem and found sand being illegally lifted from Pennar river with the help of two JCBs and 6 Hitachi vehicles. 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.

The material on record placed before the Court more particularly the statement of LW.5 would show that these petitioners along with other accused illegally lifted sand from Pottepalem reach without permission and dumped the same outside the reach for the purpose of illegal transportation through lorries. Though LW.5 warned them, they did not heed the same and they continued their activities. As such, LW.5 informed the same to the Project Director, DWAMA, who in turn informed the same to Tahsildar, Nellore. Pursuant to which the Tahsildar inspected the place on 31.12.2014 and seized the above two JCBs and 6 Hitachi vehicles, involved in illegal lifting of the sand. The statement of LW.5 clearly revealed the names of the petitioners and record reveals

485 tractor loads of sand was dumped. Having regard to the gravity of the offence, I am not inclined to grant anticipatory bail to the petitioners.

Accordingly, the Criminal Petition is dismissed. However, the petitioners, if so advised shall surrender before the Court concerned and move an application for bail after giving prior notice to the public prosecutor concerned, in which event the same shall be dealt with in accordance with law at the earliest.

C.PRAVEEN KUMAR,J

05.02.2015
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