

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 114 of 2015

ORDER :

The petitioner, who is an accused in Crime No.254 of 2014 of Tada 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 for the offences punishable under Sections 379, 427 & 447 IPC, Section 21(1)(4) of the M.M.D.R. Act and Section 3 of the P.D.P.P. Act.

The case of the prosecution is that on receiving credible information from the Village Revenue Officer of Tadakandriga Village about illegal transportation of sand, the police reached the outskirts of Anapagunta village and found nine persons transporting sand illegally. The police arrested some of them and seized two lorries and one J.C.B. Basing on these allegations, the above crime came to be registered.

The learned counsel for the petitioner submits that the petitioner has nothing to do with the offences alleged and his drivers have misused the lorries for illegal purpose. The learned Additional Public Prosecutor opposed the application.

A perusal of the case diary would disclose that the petitioner was the owner of the seized lorries bearing registration Nos.AP 16TC 4041 and TN 18J 5694 and used the J.C.B. for digging the sand. The case diary further discloses that on the arrival of police, the petitioner escaped from the place of offence. In view of the same and having regard to the nature of allegations made, I am not inclined to consider the request of the petitioner.

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

JUSTICE C. PRAVEEN KUMAR

27th January, 2015

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