

**THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

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**CRIMINAL PETITION No.10020 OF 2016**  
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**ORDER:**

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor. Perused the material on record.

2. The present Criminal Petition came to be filed by the petitioner/A.3, under Section 438 Cr.P.C., seeking release in the event of his arrest in Crime No.47 of 2015 of Kalakada Police Station, Chittoor District, registered for the offences punishable under Sections 20(1)(C)(III)(IV)(X) of the Andhra Pradesh Forest Act, 1967 and Rules 3 & 4 of the A.P. Sandal Wood and Red Sanders Wood Transit Rules, 1969, Section 29 of the Wild Life (Protection) Act, 1972, 55(1)(2) and 59 of the Biological Diversity Act, 2002, Sections 307, 353, 379 and 120(b) read with 34 IPC and Section 30 of the Indian Arms Act, 1959.

3. The case of the prosecution is that on 27.11.2015, A.1 to A.12 criminally conspired to commit theft and then illegally transport red sander logs. Pursuant thereto, A.1 and A.2 were proceeding towards Chittoor from Rayachoty in Hondai red colour car driven by A.10, with a load of red sandal logs. When police intercepted them at Agricultural Market Committee check post of Kalakada Mandal, A.1, A.2 and A.10 attacked the police party with axes, knives and stones. With a clear intention to kill the police party, deterred them, but the police party escaped unhurt. With great difficulty, A.1 and A.2 were apprehended, while A.10 absconded. A.1 and A.2 are alleged to have confessed about commission of offence and also involvement of other accused i.e., A.2 to A.9, A.11 and A.12. Basing on these allegations, the

present case came to be registered.

4. Learned counsel for the petitioner submits that the petitioner is innocent of the offences alleged against him and he has been falsely implicated in this case.

5. Learned Additional Public Prosecutor opposed the same contending that confession made by A.1 and A.2 clearly shows involvement of the petitioner in commission of offence.

6. Though the learned counsel for the petitioner tried to contend that the confession of co-accused is inadmissible in evidence, the Apex Court in ***State through C.B.I. V. Amarmani Tripathy***<sup>[1]</sup>, held as under:

“The admissibility or otherwise of the confessional statement and the effect of the evidence already adduced by the prosecution and the merit of the evidence that may be adduced hereinafter including that of the witnesses sought to be recalled are all matters to be considered at the stage of the trial.”

7. Having regard to the nature of offences and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the Criminal Petition is dismissed. It is always open to the petitioner to surrender before the concerned Court and move an application for bail. In which event, the said application shall be considered, in accordance with law, at the earliest.

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**JUSTICE C. PRAVEEN KUMAR**

Date:22.07.2016

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<sup>[1]</sup> AIR 2005 SC 3490