

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION NO.11436 of 2016

ORDER :

The petitioner, who is A5 in Crime No.152 of 2016 of Dachepalli Police Station, Guntur 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 of IPC and 21 (4) of Mines and Minerals Act, Section 3 of PDPP Act and Section 25 read with Section 37 of WALTA ACT.

The allegations in the report would disclose that on 22.07.2016 at about 05.00 a.m., on receipt of credible information about illegal transportation of sand at Srinivasapuram Village cross road, Dachepalli Mandal, the informant along with his staff and mediators rushed to the spot, found three lorries in which sand was being shifted from one lorry to another and immediately apprehended the accused and seized the vehicles. Basing on the arrest and seizure, the above crime came to be registered.

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

Learned counsel for the petitioner submits that the owner of the lorry has nothing to do with the offence alleged to have been committed by the driver. According to him the driver of the lorry misused the vehicle for transportation of the sand illegally, without the knowledge and consent of the petitioner. The learned Public Prosecutor opposed the petition.

A perusal of the statement made by the driver of the petitioner's vehicle indicates that the petitioner himself asked the driver to

transport sand from Pondugala, Guntur District to Hyderabad on payment of charges of Rs.2,000/- and that he would look into the matter, if any problem arises with the police.

The argument of the learned counsel for the petitioner that the driver has misused the vehicle without the knowledge of the owner cannot be brushed aside at this stage. Hence, I am of the view that this is not a case for grant of anticipatory bail. However, having regard to the facts in issue, the petitioner, if so advised, shall appear before the concerned Court and move an application for regular bail by giving prior notice to the Public Prosecutor concerned, in which event, the same shall be considered on the same day, in accordance with law.

Accordingly, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

10.08.2016
vhb