

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 2814 of 2016

ORDER:

The petitioners, who are accused Nos.3 and 6 in Crime No.5 of 2016 of Puttur Police Station, Chittoor District, filed the present application under Section 438 Cr.P.C. seeking release in the event of their arrest in connection with the above crime, registered for the offences punishable under Sections 353, 307, 379, 420, 120 (B) IPC, Sections 20 (1) (c) (iii) (iv) (ix), 29 (IV) (A) of the Andhra Pradesh Forest Act, 1967, Rules 3 and 4 of the Andhra Pradesh Sandalwood and Red Sanders Wood Transit Rules, 1969, Section 55 (2) of the Biological Diversity Act, 2002 and Section 27 (1) of the Arms Act.

The case of the prosecution is that on 10.01.2016 at about 5.00 p.m. while the police were conducting vehicle check at Gollapalli Check Post noticed one vehicle coming from Tirupati side with high speed. When the police gave signal for stopping the vehicle, the vehicle was stopped at a distance after crossing the police and six persons including the driver of the vehicle got down from the vehicle and tried to attack the police party with deadly weapons. With great difficulty, police personnel caught hold of two persons while other four escaped. On enquiry accused No.1 confessed that they are illegally transporting red sander logs in their vehicle. Police seized eight red sander logs, two fiber lathies, two task force police caps and two police name boards in the vehicle. Basing on these allegations the above case came to be registered.

Heard learned counsel for the petitioners and learned

Additional Public Prosecutor appearing for the respondent-State.

Learned counsel for the petitioners submits that except the confession of co-accused there is no other material to connect the petitioners with the crime and as such they deserve grant of anticipatory bail. He further submits that the petitioners have has nothing to do with the transportation of red sander logs.

Learned Additional Public Prosecutor opposed the application.

A perusal of the case diary more particularly the confessional statement of accused No.1, which has been recorded immediately after arrest show that these petitioners indulged in transporting red sander logs from Tirupati to Madras with a view to sell them at higher price. A perusal of the panchanama also indicates that on seeing the police some persons ran away. According to the Additional Public Prosecutor, the petitioners are the persons who ran away from the scene of offence.

The admissibility of confession of co-accused came up for consideration before the Apex Court in ***State through C.B.I. V.***

Amarmani Tripathy^[1], wherein the Apex Court 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."

In view of the judgment referred to above and having regard to the nature of allegations made, I am not inclined to grant anticipatory bail to the petitioners.

Accordingly, the Criminal Petition is dismissed.

C. PRAVEEN KUMAR, J

08.03.2016
gkv

[\[1\]](#) AIR 2005 SC 3490