

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.10863 of 2016

ORDER :

The petitioner, who is accused No.3, filed present Criminal Petition under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.118 of 2016 of Thorur Police Station, Warangal District, registered for the offences punishable under Section 379 IPC, 21 (1) of the Mines and Minerals (Development and [Regulation](#)) Act, 1957.

The case of the prosecution is that on 05.06.2016 on receipt of credible information about the illegal transportation of sand the police went to the outskirts of Bommakallu village near rivulet, where they noticed two tractors loaded with sand. On seeing the police, the drivers fled away leaving the tractors. Basing on these allegations the above case came to be registered.

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

Learned counsel for the petitioner submits that the petitioner was not present in the vehicle at the time of transporting the sand and the said tractor was misused by his driver.

Having regard to the facts and circumstances of the case though the petitioner is not present at the time of seizure of the vehicle it cannot be said that the petitioner is innocent of the offence alleged. Admittedly, the petitioner is the owner of the vehicle. Hence, I am not inclined to grant anticipatory bail. However, the petitioner, if so advised, shall surrender before the Court concerned and move an application for bail before the Court concerned, in which event the same shall be dealt with, in accordance with law, on the

same day.

Accordingly, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

01.08.2016

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