

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.2846 OF 2016

ORDER:

The petitioner, who is A.21 in Crime No.312 of 2015 of S.H.O., Krishna Lanka Police Station, Krishna District, filed this criminal petition under Section 438 of Cr.P.C., seeking release in the event of his arrest in connection with the above crime registered for the offence punishable under Sections 379 and 411 of IPC.

The averments in the report show that the informants, by name Indrakumar @ Indram and Kamalesh Kumar, being the employees of Golden Paradise Jewels shop at Nellore, went to Vibhav Jewels of Visakhapatnam for receiving orders for preparation of jewellery as per the directions of their employer – P. Suresh. They also took along with them some model jewelry for showing the same at Visakhapatnam. The total weight of the jewellery carried by them was about 6.370 kgs. They boarded the bus belonging to Kaveri Travels at 6.00 p.m. on 22.05.2015 and went to sleep at about 1.30 a.m. When they woke up, they found the bag containing gold ornaments missing. When they enquired the driver of the bus, he revealed that four persons who boarded the bus at Vizag got down at Vijayawada, near Kanakadurga Varadhi and saw those persons boarding a Bolero Van bearing Maharashtra State registration number. On these

allegations, the above crime came to the registered against the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent of the offences alleged against him and a false case has been foisted against him. He would submit that the other accused/A.14 and A.15 were already released on bail and hence the request of the petitioner/A.21 may also be considered.

On the other hand, the learned Public Prosecutor opposed the said application contending that a big gang is involved in the alleged operation and all the members have committed theft of gold jewellery and handed over the same to the petitioner and others.

The confession of the accused, which has been placed on record, coupled with the averments in the report, show that the gold which has been stolen from the above mentioned two persons was handed over/sold to the petitioner and others. Since huge quantity of gold is yet to be recovered and as the investigation is still in progress, the request of the petitioner for anticipatory bail cannot be considered.

However, having regard to the fact that A.14 and A.15 are already released on bail, the petitioner/A.21 may surrender before the concerned Police Station i.e., S.H.O., Krishna Lanka Police Station, Krishna District, and move an application for regular bail, in which event, the same shall be dealt with in accordance with law.

Subject to the above directions, the Criminal Petition
is disposed of.

JUSTICE C. PRAVEEN KUMAR

11.03.2016.

Msr

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