

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR
CRIMINAL PETITION No.11186 of 2016

ORDER:

The petitioners, who are A.8 to A.10, filed the present application under Section 438 Cr.P.C. seeking release in the event of their arrest in connection with Crime No.57 of 2016 of Gangavaram Police Station, Chittoor District, registered for the offence punishable under Section 379 IPC and Section 21 (i) of M.M. DARA Act.

The case of the prosecution is that on 01.05.2016 at 8.30 p.m. at Police Check Post, Opposite Durga Hotel near Gandrajupalli Village, on Palamaner-Bangalore N.H.-69 road, Gangavaram Mandal A.1 to A.7 were found illegally transporting sand in 2 vehicles, which were seized under cover of a panchanama. Based on the confession of A.1 to A.7, names of present petitioners i.e. A.8 to A.10 were also added. Hence, the case.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent-State.

Learned counsel for the petitioners mainly submits that the petitioners are innocent of offence alleged and entire case is based on confession of other accused. Hence, requested for grant of anticipatory bail. The same is opposed by the learned Additional Public Prosecutor.

A reading of the contents of the report discloses that the tractors were being driven by A.3 to A.5 and the petitioners were not present at the scene of offence. But, however, A.5 is alleged to have made confession stating that petitioners were dumping the sand in Gangavaram Mandal, Puthalapattu and Chittoor area. As such, this Court is not inclined to grant anticipatory bail to the petitioners. However, the petitioners if so advised shall appear before the concerned Court and move an application for grant of bail after giving

prior notice to the Public Prosecutor, in which event, the same shall be considered in accordance with law on the same day if not atleast on the next day.

With the above direction, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

04.08.2016
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