

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.3168 of 2016

ORDER :

Heard the learned counsel for the petitioner and the learned Public Prosecutor for the respondent.

2. The petitioner, who is accused No.1 in Crime No.89 of 2016 of Vanasthalipuram Police Station, Cyberabad, filed the present petition 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 420, 406 IPC and Section 7 of the Essential Commodities Act.

3. The case of the prosecution is as under:

While performing vehicle checking duty Opposite to Swagath Grand Hotel, Vanasthalipuram, on 06.02.2016, the Sub-Inspector of Police along with his staff found A-2 transporting 500 Kgs of PDS Rice illegally in an Auto bearing No.AP 28V 8163 from one Ravi Ration Shop at Moosarambagh belonging to A-1. A-2 is alleged to have confessed that the said rice was being obtained from the fair price shop of A-1 and the same is being sold outside. Basing on these allegations, the above crime came to be registered.

4. Learned counsel for the petitioner submits that except the alleged confession, there is no other material connecting the petitioner with the crime and the Investigating Officer has not made any effort to search the fair price shop of A-1 to find out as to whether the rice, which was seized was

diverted from the shop of A-1.

5. Learned Public Prosecutor opposed the petition contending that A-2 was already released on bail. He relies on the confession recorded immediately after the incident to show that the rice which was seized was being diverted from the shop of A-1.

6. A perusal of the material on record would show that on the date of incident, the police found A-2 transporting 500 Kgs of PDS Rice illegally in Auto from the fair price shop of A-1. A-2 is alleged to have confessed about the commission of the offence by diverting rice, which is meant for public distribution system, from the shop of A-1. It is to be noted that investigation is still pending and the PDS rice meant for distribution to public was alleged to have been diverted through A-2 from the shop of A-1.

7. Having regard to the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner at this stage.

8. Accordingly, the Criminal Petition is dismissed. However, the petitioner, if so advised, is directed to surrender before the concerned Court and move an application for bail after giving prior notice to the Public Prosecutor, in which event the same shall be dealt with, in accordance with law, on the same day.

JUSTICE C. PRAVEEN KUMAR

Date: 16th March, 2016

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