

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.12078 of 2016

ORDER:

1) The petitioner, who is accused No.33, filed the present Criminal Petition under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.66 of 2016 of Sdhout Police Station, registered for the offences punishable under Sections 147, 148, 379, 307, 353, 120 (B), 109 read with 149 IPC, Section 20 (1) (d) (ii to IV & X) of Andhra Pradesh Forest Amendment Act, 2015, Section 20 (d) (i) (a) (b) (ii) (a) (b) and 29 (2) (b) (4) (a) (I) (II) (b) of Andhra Pradesh Forest Act, 1967 and Rule 3 of the Andhra Pradesh Red Sander Wood Transit Rules, 1969, Section 51 of the Wild Life Protection Act, 1972 and Section 3 of the Prevention of Damage to Public Property Act.

2) The case of the prosecution is that on receipt of credible information about the transportation of red sander logs, the Circle Inspector of Police along with his staff were conducting vehicle checking on 30.06.2016 at Kanumalapalli. At about 4.50 a.m. they found one lorry coming from Kanumalapalli side and on seeing the police, the driver of the lorry did not stop the vehicle and drove the same in a rash and negligent manner towards the police people but with great difficulty the police stopped the said lorry. Then the persons who were in the lorry got down and are alleged to have attacked the police people with stones and axes with an intention to kill them. With great difficulty the police

apprehended three persons. Basing on these allegations the above case came to be registered.

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

4) Learned counsel for the petitioner mainly submits that the petitioner is innocent of the offences alleged against him and he has been falsely implicated. According to him, there is no material connecting the petitioner with the crime except the alleged confession made by co-accused, which is inadmissible in law.

5) Learned Public Prosecutor opposed the application contending that confession of co-accused can be a basis for investigating into a crime and that cannot by itself a ground to grant anticipatory bail in an offence of this nature.

6) A perusal of the material placed before the Court show that the petitioner is shown as accused in more than 25 cases. The C.D. file which has been placed before the Court show that the petitioner used to purchase the red sander logs and thereafter smuggle it to foreign countries. It may be true that the case against the petitioner is based on confession of co-accused but the Apex Court in *State through C.B.I. V. Amarmani Tripathy*¹, 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

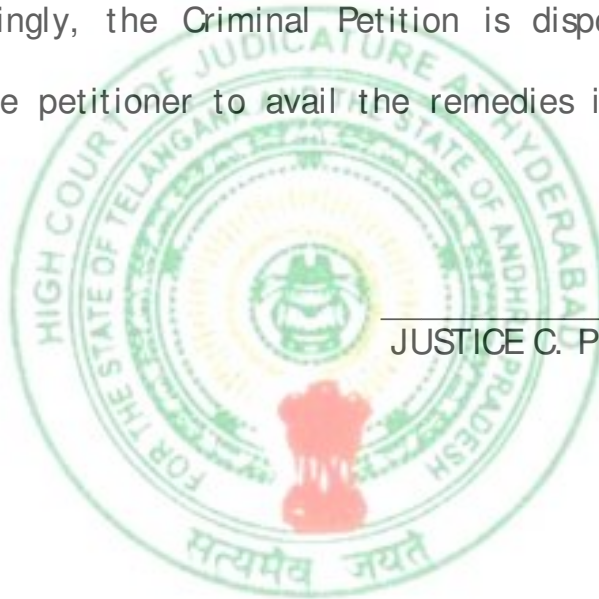
¹ AIR 2005 SC 3490

be recalled are all matters to be considered at the stage of the trial."

7) Apart from that the material on record discloses that the petitioner is shown as accused in number of cases of this nature. Having regard to the fact that the petitioner is granted regular bail by the trial Court in morethan 15 cases and by this Court due to non-filing of the charge sheet within the time stipulated, the petitioner shall move an application for regular bail, before the trial Court, which shall be dealt with in accordance with law.

8) Accordingly, the Criminal Petition is disposed of, giving liberty to the petitioner to avail the remedies if any available under law.

12.09.2016
gkv



JUSTICE C. PRAVEEN KUMAR