

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.1708 OF 2016

ORDER:

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

2. The present Criminal Petition came to be filed under Section 438 of the Code of Criminal Procedure, 1973, by the petitioner/accused seeking release in the event of his arrest in Cr.No.47 of 2016 of Shadnagar Police Station, Mahaboobnagar District, registered for the offences punishable under Section 379 of the Indian Penal Code, 1860 and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 and Section 3 of Prevention of Damage to Public Property Act, 1984.

3. The averments in the First Information Report show that on 03.02.2016 at 10.00 P.M., as per the instructions of Station House Officer, Shadnagar Police Station, P.C.Nos.2641 and 3092 left the Police Station on village beat duty at Ayyavaripally and Lalsingh Thanda and while performing beat duty, one tractor came towards Lalsingh Thanda. On seeing the police party, the petitioner fled away leaving sand load tractor at the spot. On enquiry it was found that the owner of tractor bearing No.AP 22 AL 9823 is the petitioner and he was transporting the sand illegally without Government permission.

4. Learned counsel for the petitioner submits that the petitioner was not present at the scene of offence and the police have foisted a false case against him for statistical purpose.

5. Learned Public Prosecutor opposed the same stating that the

record shows that on seeing the police party, the petitioner escaped from the scene by leaving the vehicle loaded with sand.

6. It is to be noted that the vehicle of the petitioner was used in commission of offence and further, the petitioner himself applied for release of the vehicle in his favour. Therefore, it cannot be said that the petitioner has no knowledge about the commission of the offence. In view of the above, I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the Criminal Petition is dismissed. However, the petitioner shall surrender himself before the Additional Judicial Magistrate of I Class, Shadnagar, and move an application for bail after giving prior notice to the Public Prosecutor, in which event the same shall be dealt with at the earliest in accordance with law.

JUSTICE C. PRAVEEN KUMAR

Date:18.02.2016
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