

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.1736 OF 2016

ORDER:

The petitioner, who is an A.2 in Crime No.33 of 2016 of Mahabubnagar I Town Police Station, Mahabubnagar District, has filed this criminal petition under Section 438 of Cr.P.C., seeking release on bail, in the event of his arrest in connection with the said crime registered for the offences punishable under Section 379 of IPC, Section 21(1) of Mines and Minerals (Development and Regulation) Act, 2015 (Amended) and Section 3 PDPP Act, 1984.

The case of the prosecution is that on 07.02.2016 night, while S.I. of Police, Mahabubnagar I Town Police Station, along with staff was conducting vehicular check on Mahabubnagar – Raichur Main Road, nearby distillery gate, Mahabubnagar town, one Tipper bearing No.AP 26W 3443 was found coming into the town from Raichur side with sand load without any permit or licence. On enquiry, the driver of the Tipper informed that they are lifting the sand and transporting the same on the instructions of the Tipper owner since last four months. Basing on these allegations, the aforesaid crime came to be registered.

Though learned counsel for the petitioner contends that the petitioner is not aware about the instant offence since it was the driver, who committed the alleged offence,

it is very difficult to accept the same. Further, a reading of the confession statement of the driver of the offending lorry shows that the owner of the offending vehicle is prima-facie responsible for the offence. Therefore, the request of the petitioner for release on anticipatory bail cannot be accepted.

However, the petitioner/A.2 can surrender before the Court concerned and move an application seeking bail, after giving prior notice to the learned Public Prosecutor, in which event, the same shall be dealt with in accordance with law either on the same day or at the earliest.

Subject to the above observations, this Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

18.02.2016.

Msr

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