

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.1813 OF 2016

ORDER:

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

2. The present Criminal Petition came to be filed by the petitioner/A.1 seeking release in the event of his arrest in Crime No.6 of 2016 of Vanasthalipuram Police Station, Cyberabad, registered for the offences punishable under Sections 420 and 406 of the Indian Penal Code and Section 7 of the Essential Commodities Act, 1955.

3. The case of the prosecution, as per Case Diary, is that on 03.01.2016 the Investigating Agency intercepted the vehicle bearing No.AP 20 TA 6883 and found the rice meant for public distribution was being diverted from the fair price shop No.354 of Vanasthalipuram, which belongs to A.2, after hiring the lorry from its owner/driver at Kothapet. The investigation agency found that the petitioner and A.2 colluded with each other and diverted the rice meant for poor people to the open market for illegal gain. The total quantity of the rice seized from the vehicle on that day was 45 quintals.

4. Learned counsel for the petitioner submits that except the alleged confession of A.3, there is no other material connecting the petitioner with the crime. He submits that since A.2 was already granted anticipatory bail by this Court, the request of the petitioner may be considered.

5. Learned Public Prosecutor opposed the same stating that the offences alleged against the petitioner are grave and serious in nature, and as the investigation is still pending, the release of the petitioner at this stage is not proper.

6. A perusal of the material on record discloses that the petitioner diverted the rice meant for public distribution from the fair price shop of A.2 with the help of A.3, who is driver of the vehicle. Hence, request of the petitioner cannot be considered.

7. Accordingly, the Criminal Petition is dismissed. However, it is open to the petitioner to surrender before the appropriate Court and move a bail application 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:23.02.2016

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