

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.2203 of 2016

ORDER

The petitioner, who is A2, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.163 of 2015 of Palamaner Police Station, Chittoor District, registered for an offence punishable under Section 379 IPC.

2. The case of the prosecution is that on 19.10.2015, one Imran Basha lodged a report stating that he purchased one Hero Honda Splender Motorcycle from one P. Rajesh of Chennai, and on 17.10.2015 at about 9.00 PM, he parked his vehicle besides VV Mahal Theatre at Palamaner Town and went for recharging of his mobile. After return, he found his vehicle missing. Basing on these allegations, the above report came to be lodged.

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

4. Learned counsel for the petitioner mainly submits that the petitioner is innocent of the offence alleged and since he is involved in Cr.No.134 of 2015 of Kuppam Police Station, in which he was granted bail, the prosecution is taking steps to detain him in jail in the present case also.

5. On the other hand, learned Additional Public Prosecutor opposed the application contending that the petitioner is involved in 10 other cases of similar nature in different police stations and if he is released on bail, it would be difficult for the police to secure his presence.

6. A perusal of the material on record shows that on 27.10.2015 at about 10.15 PM., on Palamaner-Kuppam main road at Ganeshpuram cross of Gudupalli Mandal, the Sub-Inspector of Police along with his staff arrested both the accused and recorded their confessional statements, in which they admitted that they have committed theft of motorcycles and kept them in the godown of the petitioner/A2 at V. Kota. The police along with the accused proceeded to the said place and found 8 stolen motorcycles which were seized on 28.10.2015 under the cover of separate mahazar.

7. Having regard to the facts and circumstances of the case and since the petitioner is involved in number of cases and 8 stolen vehicles were seized from his godown, I am not inclined to grant anticipatory bail to the petitioner/A2. However, the petitioner/A2 shall surrender before the Magistrate concerned and move an application for bail, and on filing such an application, the Magistrate concerned shall consider the same in accordance with law on the same day or at the earliest.

8. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

29th February, 2016

sj