

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRL.P.NO.11297 OF 2016

ORDER

The petitioner, who is A-10, filed the present application under Sections 437 and 439 Cr.P.C. seeking enlargement on bail in Crime No.30/2016 of Police Station, II Town, Madanapalle, Chittoor District, Andhra Pradesh, registered for the offences punishable under Sections 353, 307, 379 and 120(B) IPC and Sections 20(1)(C) (II) (IV) and (X) and Section 36 of A.P. Forest Act, 1967, Section 29 of Wild Life Protection Act, 1972, Section 55(2) of Biological Diversity Act, 2002 and Rule 3 of A. P. Red Sandal and Sandal Wood Transit Rules, 1969.

The case of the prosecution is that on 22.2.2016 at 4.30 p.m. at Gollapalle Circle, CTM Road, Madanapalle Town, the accused 1 to 4 were found passing through Madanapalle Town from Tirupathi side in a fiat palio car bearing Reg.No.KA03 6746 in high speed. When police tried to stop the car, the 2nd accused in the said crime, drove the car on to the police party with a view to kill them, but the police escaped from there. Thereafter, all the four accused A-1 to A-4 got down from the car and tried to escape from the place. The police caught hold of them and interrogated them, wherein they were alleged to have stated that they were taking four red sandal logs with the instigation and support of A-5 to A-11, who are interstate and international red sandal smugglers.

The learned counsel for the petitioner submit that, except the alleged confession of co-accused, there is no material to connect the petitioner with the crime and hence seeks release on bail.

The learned Additional Public Prosecutor opposed the same. On instructions he submits that the confession clearly discloses that the petitioner is international smuggler of red sandalwood.

With regard to admissibility or otherwise of the confessional statement, 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 be recalled are all matters to be considered at the stage of the trial.”

From a reading of the above judgment of the Apex Court it is clear that admissibility or otherwise of the confessional statement, are all matters to be considered at the stage of trial.

In the present case, as per the report, when the accused 1 to 4 were caught hold and interrogated, they were alleged to have stated that they were taking the red sandal wood illegally with the instigation and support of A-5 to A-11. Admissibility or otherwise of such a confessional statement of co-accused against the petitioner and its evidentiary value, as per the law

laid down by Apex Court in the judgment cited supra, are all matters to be considered at the stage of trial. Hence, having regard to the nature of offences alleged and circumstances of the case, the request of the petitioner is rejected.

Accordingly, the criminal petition is dismissed.

Miscellaneous petitions pending if any, shall stand closed.

C.PRAVEEN KUMAR,J

DATE:09..08..2016
AVS

[\[1\]](#) AIR 2005 SC 3490