

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.1707 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.53 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 04.02.2016 as per the instructions of Station House Officer, Shadnagar Police Station, P.C.No.3092 and H.G.163 left the Police Station for performing blue colt patrolling duty. At about 12:00 A.M., on reliable information, they rushed to Ayyavaripally village tank and on seeing the police, one person fled away leaving the tractor loaded with sand. On enquiry it is noticed that on instructions of the owner of tractor bearing No.AP 22 X 9305, sand was being transported without permission.

4. Learned counsel for the petitioner submits that the petitioner was not there at the scene of offence at the time of seizure and the police foisted a false case against the petitioner and hence requests for grant anticipatory bail.

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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