

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9224 of 2017

ORDER:

This criminal petition is filed, by the petitioner/accused No.21 under Section 438 Cr.P.C., seeking pre-arrest bail in Crime No.107 of 2017 on the file of the Station House Officer, Obulavaripalli Police Station, Kadapa District, registered for the offences punishable under Sections 147, 148, 379, 307, 353, 109, 120(B) read with 149 IPC and Section 20(1) (c) (ii) (iii) (iv) (vi) (x) of A.P.Forest (Amendment) Act, 2016 (AP Act No.15 of 2016) Section 20(d) (i) (a) (b) (2) (a) (b), Section 29(2) (b) (4) (a) (i) (ii) (b) of AP Forest (Amendment Act) 2016 (AP Act 15 of 2016) Rule 3 of A.P.Sandal wood Transit Rules 1959, Section 44(2) of A.P.Forest Act and Section 3 of PDPP Act 1984.

2. The learned counsel for the petitioner submitted that the petitioner was falsely implicated in this case, therefore, it is a fit case to grant pre-arrest bail to the petitioner. **Per contra,** learned Additional Public Prosecutor representing the State submitted that the petitioner involved in similar type of cases, therefore, it is not a fit case to grant pre-arrest bail to the petitioner. He further submitted that the investigation is in progress, therefore, if the petitioner is released on bail there is every possibility of threatening the prosecution witnesses.

3. The case of the prosecution is that on 18.07.2017 at about 07.30 a.m. the petitioner along with others loaded the red sandal logs in the vehicles bearing Nos.AP 04 W 6869 and AP 04

AA 7247 at Korlakunta Cheruvu of Obulavaripalli Mandalam. On seeing the police, the petitioner along with other accused pelted stones on them with an intention to kill them. It is the further case of the prosecution that the petitioner herein along with other accused prevented the excise officials from discharging their duties. Basing on the complaint given by one K.Pradeep Naidu, the above case was registered.

4. A perusal of the record reveals that the police seized 88 kgs., of red sandal logs from the vehicles. A perusal of the record further reveals that the petitioner herein along with others on seeing the police, pelted stones on them with an intention to kill them and then fled away from the spot. The petitioner is also an accused in Crime No.198 of 2017 on the file of the Station House Officer, Railway Kodur Police Station, YSR Kadapa District and in Crime No.87 of 2017 on the file of the Station House Officer, Chitvelu Police Station, YSR Kadapa District, for the offences punishable under Sections 147, 148, 379, 307, 353, 109, 120(B) read with 149 IPC and Section 20(1) (c) (ii) (iii) (iv) (vi) (x) of A.P.Forest (Amendment) Act, 2016(AP Act No.15 of 2016) Section 20(d) (i) (a) (b) (2) (a) (b), Section 29(2) (b) (4) (a) (i) (ii) (b) of AP Forest (Amendment Act) 2016 (AP Act 15 of 2016) Rule 3 of A.P.Sandal wood Transit Rules 1959, Section 44(2) of A.P.Forest Act and Section 3 of PDPP Act 1984. A perusal of the record reveals that the investigation is in progress.

5. Taking into consideration the gravity of the offence alleged to have been committed by the petitioner and the stage of investigation, this Court is of the considered view that it is not a fit case to grant pre-arrest bail to the petitioner.

6. In the result, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 09th October, 2017

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