

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.1537 OF 2017

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.22 of 2017 of Gopalapuram Police Station, Secunderabad, registered for the offence punishable under Section 379 IPC.

2. The main apprehension of the petitioner is that he may be arrested by police at any time in connection with the above crime. According to the public prosecutor, till date no crime is registered against the petitioner. For registration of a crime, there must be a tangible material in support of apprehension. Further, there is a reference about purchase of the cell phone i.e., stolen goods, by the petitioner. However, purchase of stolen goods, at best would attract the offence punishable under Section 411 IPC. The material on record would go to show that the petitioner purchased stolen goods. Whether the petitioner has got knowledge or not, is a question of fact, required to be established during trial. Moreover, the presumption under Section 114 of the Indian Evidence Act is in favour of the prosecution. Till such presumption is rebutted, the petitioner is presumed to have knowledge. In those circumstances, the petitioner may approach the trial Court, surrender and obtain regular bail. Hence, there is no ground to grant pre-arrest bail to the petitioner.

3. Accordingly, the Criminal Petition is dismissed.

MARCH 07, 2017
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M. SATYANARAYANA MURTHY, J

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Date:07.03.2017

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