

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4878 of 2017

ORDER:

This criminal petition is filed, by the petitioner-accused No.2, under Section 438 Cr.P.C., seeking bail in the event of his arrest in Crime No.26 of 2017 on the file of the Station House Officer, Chilmathur Police Station, Anantapuram District, registered for the offences punishable under Sections 447, 427 and 379 IPC read with 34 IPC.

2. The learned counsel for the petitioner strenuously submitted that due to land dispute, the *de facto* complainant foisted a false case against the petitioner and his brother. He further submitted that Accused No.1 was released on regular bail, 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 herein along with A1 trespassed into the land of the *de facto* complainant and cut the water pipe line and took away 15 sprinklers. He further submitted that 7 sprinklers were recovered from A1 and so far the investigation agency has not traced out the remaining 8 sprinklers, therefore, it is not a fit case to grant bail to the petitioner.

3. The facts leading to filing of the present petition are briefly as follows: One R.Hanumantha Reddy lodged a complaint to the Station House Officer, Chilamathur Police Station, who in turn registered a case in Crime No.26 of 2016 against the petitioner

and another. As per the allegations made in the complaint, the *de facto* complainant dug a bore in his land and laid pipe line for irrigation purpose. It is the case of the prosecution that on 11.04.2017 at about 2.00 a.m. the petitioner along with his brother trespassed into the land of the *de facto* complainant and cut the water pipe lines. It is further alleged that the petitioner along with A1 had taken away 15 sprinklers. The petitioner filed CrI.M.P.No.586 of 2017 on the file of II Additional Sessions Judge, Hindupur, under Section 438 Cr.P.C. and the same was dismissed on 14.06.2017. A perusal of the record *prima facie* reveals that the petitioner along with his brother taken away the 15 sprinklers, which belong to the *de facto* complainant. The record further reveals that the investigation agency has not recovered 8 sprinklers so far and the investigation is in progress.

4. Taking into consideration the nature of the offence alleged to have been committed by the petitioner, this Court is of the considered view that the petitioner is not entitled to pre-arrest bail.

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

T.SUNIL CHOWDARY, J

7th August, 2017
Rns